

**PWDV No. 60/2024**

**Dnyaneshwari v Shriram**

**Order Below Exh.5**

01. This is an application for interim maintenance under section 23 (1) (2) of Protection of woman from Domestic Violence, Act 2005 (in short PWDV) on behalf of applicant no.2 and 3.

**Averments in the Application**

02. Applicant no.1 is legally wedded wife of respondent no.1. Applicant no.2 and 3 are born out of said wedlock. It is contended that respondents have subjected applicants to domestic violence. Applicant no.1 has her income source whereas applicant no.2 and 3 are totally dependant on respondent no.1. It is further contended that respondent no.1 is practicing doctor at Atali and he owns hospital name and style as Bhojane Maharaj Polyclinic. He earns Rs.3,00,000/- per month. In addition to that he owns adjacent medical store and earns Rs.60,000/- to Rs.70,000/- per month. He possesses irrigated land to the tune of 11 accers and he earns Rs.10,00,000/- per year. Despite of such income, he has not paid any maintenance to his daughters i.e. applicant no.1 and 2.

03. Respondent no.1 has filed his reply at exh.18 and categorically denied claim of applicants. He contends that applicant no.1 equally responsible for maintaining applicant no.2 and 3. Previously respondent has already transferred 5 accers land in the name of applicant no.1. He has also purchased 2 accers land in the name of applicant Gargi. He prayed to reject the application.

04. Following are the points for determination which are answered alongwith reasoned findings.

<b>Sr. No.</b>	<b>POINT</b>	<b>FINDINGS</b>
1.	Whether Applicant no.2 and 3 are entitled to interim maintenance?	<b>YES</b>
2.	What order?	<b>Application is partly allowed.</b>

**Reasons as to point no.1 and 2**

05. I have perused the application, reply, affidavit of assets and liability of both sides. From the contentions and documents annexed, it prima facie appears that applicants were subjected to domestic violence by the Respondent no.1.

06. Section 23 of the PWDV Act provides for interim maintenance if prima facie it is disclosed that the respondent has committed act of domestic violence. I am reproducing the provision:

*23. Power to grant interim and ex parte orders.—(1) In any proceeding before him under this Act, the Magistrate may pass such interim order as he deems just and proper.*

*(2) If the Magistrate is satisfied that an application prima facie discloses that the respondent is committing, or has committed an act of domestic violence or that there is a likelihood that the respondent may commit an act of domestic violence, he may grant an ex parte order on the basis of the affidavit in such form, as may be prescribed, of the aggrieved person*

*under section 18, section 19, section 20, section 21 or, as the case may be, section 22 against the respondent.*

07. As discussed earlier, the contentions in application prima facie shows that the respondent no.1 has committed act of domestic violence. Therefore, I hold that applicant no.1 and 2 are entitled to receive interim maintenance from the Respondent no.1.

08. It is necessary to decide quantum for interim maintenance. In facts and circumstances of this case for drawing appropriate quantum, regard shall be had to the affidavit of assets and liability. It is an admitted fact that husband and wife are practicing doctors and earning sufficient amount. Considering the age of their daughters, it is responsibility of both parents to bear their expenses equally.

09. Taking into consideration the abovementioned reasons as well as present need of the applicants and the financial capacity of the respondent no.1, Rs.10000/- per month for applicant no.2 and 3 each will be appropriate and it will serve the purpose. Record shows that both applicant no.1 and respondent no.1 have several times made online payments for their daughters. Hence, as of now it will be appropriate to grant maintenance amount from the date of order. Hence, the upcoming order becomes necessary.

### **ORDER**

1. Application is partly allowed.
2. Respondent No.1 shall pay Rs.10,000/- per month to the applicant no.2 and 3 each from the date of this order as interim maintenance.
3. Respondent no.1 shall pay the interim maintenance amount before 5<sup>th</sup> day of every month.

4. Copy of this order be given to the Applicants free of cost.
5. Parties to take note.

Date- 14.05.2025

**(G.A. Taral)**  
Judicial Magistrate First Class,  
Court No.2 Khamgaon,