

ORDER BELOW EXH.11
(Passed on 30.08.2025)

1. Present proceeding is filed U/s.12 of Protection Of Women From Domestic Violence Act and this application is moved U/s.23 of D.V. Act for directing NA Gunvantrao Aanandrao Kalane and Nandatai Gunvantrao Kalane to provide interim maintenance of Rs. 8,000/- per month to the applicant No. 1 and Rs. 5,000/- each to applicant No.2 and 3. Peruse the application and say filed by non-applicants at Exh. 15.

2. It is submitted that applicant No. 1 is the widow of Amol Gunvantrao Kalane who died on 21.02.2018 due to cancer. Applicant No. 2 to 3 are son and daughter of applicant No. 1. Amol Gunvantrao Kalane was the son the NA. After the death of Amol Gunvantrao Kalane NA have received all the death benefits of their son Amol Kalane. Applicants was living with non-applicants after the death of Amol. During their stay at the residence of the Non-applicants applicants were subjected to mental and physical trouble at the hands of the non-applicants. Various incident of the Domestic Violence that took place during the stay of the applicants with the non-applicants have been described in the application. Applicant No. 2 was suffering from appendix due to which she was operated on 25.06.2022. Thereafter, applicants along with her son and daughter went to the house of the non-applicants. But, non-applicants refused to allow the applicants to reside at their home. Applicants were driven out of the house of the non-applicants. Since then applicants are residing in the house of parents of the applicant

No.1.

3. applicants further submitted that non-applicants owned and possessed 16 acres fertile agriculture land at Taroda Kasba, Tq. Shegaon. Non-applicants earned Rs. 10,00,000/- to 12,00,000/- from 16 acres agriculture land. Besides non-applicants owned and possessed one plot at Khamgaon. Two son of the non-applicants are doing the business and they are earning their livelihood from the business. Non-applicants have no responsibility. Under such circumstances the non-applicants can give Rs. 8000/- to the applicant and Rs. 5000/- each to the applicant No.2 and 3 as a interim maintenance. Hence, applicant prayed for allowing the application by granting her interim maintenance of Rs. 8000/- and Rs. 5000/- each for applicant No. 2 and 3.

4. Non-applicants resisted the claim of applicants by filing their say at Exh.14. Non-applicants denied all the allegation of Domestic Violence leveled by the applicants. Non-applicants in their additional statement submitted that applicants are their daughter-in-law and grand daughters. Applicants was living with their family from 2010. But, applicant No. 1 has left the company of her husband since he was suffering from cancer. Applicant No. 1 did not take any care of her husband when he was suffering from cancer. 10 to 15 lakh expenditure incurred for the treatment of husband of the applicant. One lakh expenditure has been incurred by the father of applicant No. 1. Husband of the applicant No. 1 died on

21.02.2018 at Taroda. At that time applicant was residing with her parents. Non-applicants paid the loan taken for the treatment of their son. Non-applicants also spend amount on the education of applicant No. 2 and 3. Non-applicants are old age person and they are unable to do any work. The agriculture land possessed by the non-applicants are cultivated by their son and daughter-in-law. Non-applicants is ready to maintain the applicants and take care of all the expenditure incurred for their livelihood. However, non-applicant No.1 is not willing to live in Taroda village because she belong to the well to do family. The parents of the applicant No. 1 is rich as father of the applicant was doing the Government job. Applicant No. 1 has completed her education up to B.A. Therefore, she does not want to live in village. Non-applicants could not maintain themselves. Applicant No. 1 is doing the job in Shegaon and she can maintain herself as well as her children. Therefore, applicants have no right to demand the interim maintenance from the non-applicants.

5. Heard Ld. Counsel for the applicants. Non-applicants and their advocate are absent when this application is fixed for hearing. Hence, this application was proceeded without hearing of the non-applicants.

6. It is a admitted that the applicant No.1 is the daughter-in-law of the non-applicants whose son Amol who was the husband of the applicant No. 1 died on 21.02.2018. On perusal of D.V. report filed by the probation officer it appears that domestic violence at the hands of the non-applicants has

been committed. But, D.V. report is not the conclusive proof of the domestic violence allegedly committed by the non-applicant No. 1 and 2. Whether domestic violence was committed against the applicants at the hands of the non-applicants will be decided during the course of trial of this case. Applicants filed the affidavit of assets and liability at Exh. 22. On perusal of assets and liability affidavit it is revealed that applicants have no source of income and total expenditure of Rs. 18,000/- has been incurred for the livelihood of applicants. Applicants have no source of income. The applicants did not file any documents showing that the non-applicants are earning 10 to 12 lakh rupees per annum from the agriculture land owned and possessed by the non-applicants. The 7/12 extract filed by the applicants show that non-applicant No. 1 is the owner of agriculture land. However, 7/12 extract of the agriculture land does not mean that the owner of the agriculture land are getting consistent income from the agriculture land when non-applicants is having a two sons and daughter-in-law. Two son of the non-applicant is also dependent on the agriculture land owned by non-applicant No. 1. The non-applicants are the old age person. Therefore, non-applicants are unable to do any works much less the agriculture works. At this age the non-applicants cannot do the agriculture works. Agriculture land of the non-applicants are cultivated by their sons and daughter-in-law. Therefore, it can be said that all the income derived from agriculture land of the non-applicants may be taken by the son and daughter in law of the non-applicants. Hence, non-applicants does not have any source of income and prima-facie it appears that they do not earn

anything and they are dependent on their son and daughter-in-law for their livelihood. Even applicants failed to file any documents in support of their contention that non-applicants can pay the interim maintenance to the applicants out of the income derived by non-applicants from the agriculture land. Merely possessing the agriculture land is not the conclusive proof of the income when non-applicants are old age person and they are unable to do the work due to their old age. Therefore, I am of the considered view that there is no source of income for non-applicants and they are unable to pay interim maintenance to the applicants. Under such circumstances it will be just and proper to reject this application for interim maintenance in the absence of any documentary proof of source of income of the non-applicants. In view of above reason I am not inclined to allow this application and proceed to pass following order.

ORDER

1. Application is rejected.
2. The copy of this order be given to the both parties free of cost.

(N. D. Meshram)
Judicial Magistrate First Class,
1st Court, Shegaon, Dist. Buldana

Date : 30.08.2025.

I *P. K. Ingle*, Stenographer of C.J.J.D. & J.M.F.C. Court No.1, Shegaon affirm that the contents of this P.D.F. file order is correct word to word as per the Original Order.