

ORDER BELOW EXH.19 IN P.W.D.V.A No.01/2017

(Sharda Pawan Giri v/s. Pavan Laxman Giri)

CNR No. MHBU14-001826-2016

This is an application submitted under Section 23(2) of the Protection of Women from Domestic Violence Act, 2005 (*Hereinafter it is referred as an Act for the sake of brevity*) for claiming interim maintenance.

2. Tersely put, the applicants have contended about the alleged domestic violence committed by the respondents and betrayal at the behest of respondents. The marriage of the applicant Sharda was solemnized on 26-12-2013 at Mehkar. Her marital tie is still in subsistence. They are blessed with one son. The respondents were treating well to the applicant for four months. The respondent No.1 is addicted to liquor and he use to ill-treat her. The respondents use to demand of dowry to be brought from her parents. On this count, the respondent no.1 use to beat the applicant. The applicant was constrained to lodge the report under Section 498-A of the Indian Penal Code against the respondents. The applicant further contended that, she is facing starvation and she has no source of income. As against the economical condition of respondent no.1 and 2 are sound and they are in service. The applicant prayed to grant Rs. 10,000/- as interim maintenance from applicant no.1 and 2 per month.

3. The respondent no.1 filed counter say at (Exh.20)

and the respondent no.1 has denied all the material allegations made in the application. It is the contentions of the respondent no.1 that, the applicant is well educated and she is serving at Mehkar in a Convent School and she is getting salary of Rs.15,000/- per month. The contentions made by the applicant in the application are imaginary and concocted. Lastly, the respondent prayed to reject the application.

4. The respondent no.2 to 5 filed counter say at (Exh.18) and they denied all the material allegations made in the application. They further contended that, the story put forth by the applicant is false and bogus. The applicant use to insult them on petty reasons and she does not use to do domestic household work. Several times, they tried to convenience the applicant, but it goes in vain. She ignored towards the house hold works. The applicant tried to pour kerosene on her person and threatened them to commit suicide. The respondents further contended that, the applicant has filed false case against them and falsely implicated them. The applicant is serving and earning Rs.15,000/- per month. They have not committed any domestic violence. On the other hand, the applicant has committed domestic violence. Lastly, they prayed that, present application is liable to be dismissed with costs.

5. Heard advocate Shri O.G.Rathi for the applicants and Shri N.B.Sangle for the respondents. Perused the record and proceeding. There are plenty of allegations in the

application. In my opinion it means too early to arrive at any probable conclusion with respect to the domestic violence. The applicants are in distress, they have press this application for immediate relief to her and her child. The respondent no.1 is not supposed to shirk away from shouldering the liability to maintain the applicants. This legislation is for securing social interest. The interim maintenance claimed by the applicants are enormous and is not feasible at this stage. The applicants has not filed on record any documents to show that, the respondent no.1 is in service, vice-versa the respondent has also not filed the document to show that the applicant is in service. Therefore, in my opinion it would be just and proper to award lump-sum monetary assistance, because awarding monthly maintenance will perpetuate the proceeding for longer period and main application will take time for disposal. Therefore, it would be proper on my part to grant lump-sum interim maintenance of Rs. 15,000/- to the applicants, taking into consideration the skyrocketing prices in the essential commodities. This will meets the ends of justice. Hence, the following order.

ORDER

1)	The application is partly allowed.
2)	The respondent no.1 Pavan Laxman Giri do pay Rs. 15,000/- (fifteen thousand only) to the applicant no.1 and 2 in lump-sum as monetary assistance under Section 20(d) of the Protection of Women from Domestic Violence Act, 2005.
3)	The applicants are directed to promptly lead their evidence otherwise, the consequent adjournments

	without sufficient cause will amount to passing of order of dismissal in default.
4)	The copy of this order be given free of costs to the concerned under Section 24 of the Act.
5)	Cost in cause.
6)	Pronounced and dictated in open Court.

Mehkar

Date:- 23-01-2018

(L.B.M.M.A.Syed.)

Judicial Magistrate,F.C.

Mehkar.

C E R T I F I C A T E

I affirm that, the contents of this PDF file Judgment / order are same word for word, as per original order.	
Name of the Stenographer	: Mohammad Idris Gulam Murtuza
Name of the Court	: J.M.F.C., Court, Mehkar
Dated	: 23/01/2018
Order uploaded on	: 23/01/2018