

MHGA030000452021



IN THE COURT OF 04th JUDICIAL MAGISTRATE FIRST CLASS,
GADCHIROLI

(Presided Over by Smt. N. A. Pathan)

P.W.D.V.Appl. No.04/2021

Applicants : 1. Pallavi Tarachand Bhagat,
Age 33 years, Occu. Housewife,

2. Mrunali Tarachand Bhagat,
though Natural Guardian
R/o Devaji Nanuji Meshram,
Sai Nagar, Ward No. 12,
Chamorshi Road, Gadchiroli.
Tah & Dist. Gadchiroli.

-VERSUS-

Non-applicants : 1. Tarachand Madhukar Bhagat,
Age 38 years, Occu. Service,

2. Rajani Madhukar Bhagat.
Age 70 years, Occu. Housewife,
R/o Maharana Pratap Ward,
Near Aadarsh Chowk, Bhagat
Aatachakki, Ballarshaha.
Tah. Ballarshah. Distt. Chandrapur.

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ORDER BELOW EXH.28
(Passed on 02th Day of January, 2024)

1 . Present application is filed by the applicant to strike out defense of non- applicant no. 1. Today case is fixed for evidence of the applicant and

for compliance. The contention of the applicant is that, she has filed the maintenance proceeding U/s 12 of P.W.D.V.Act and also claimed the interim maintenance U/s 23 of the same act.

2. According to the applicant this court has allowed interim maintenance by passing order below Exh. 3. on 07/09/2022 Wherein, interim maintenance of Rs. 5,000/- and Rs. 2,000/- has granted to applicant no. 1 and 2 respectively along with the cost of the application i.e. Rs. 2000/-.

3. As per the order this court non- applicant no. 1 is directed to pay Rs. 2,33,000/- from the date of application i.e. 20/01/2021 till today but he fails to pay it. The contention of the applicant is that non- applicant no. 1 has not pay any single pai to the applicant till today.

4. The Applicant has further contended that non- applicant no. 1 is appearing before this court regularly and participating each and every fixed date of this court. Moreover applicants have not received any notice of appeal against the order of interim maintenance. Despite of this, non- applicant no. 1 is not paying interim maintenance deliberately payable to applicant no. 1 and 2. As such he has breached the order passed by this court below Exh. 3. Therefore his defense must be strike out.

5. It is opposed by non- applicant no. 1. that he is not present in this case. According to him is not a regular attendee in the court. He further contended that he is dismissed from his duty in Ordinance Factory, Bhadrawati. as a result he is not able to pay the amount of interim maintenance.

6. I have seen record and gone through the contention of the applicant. It appears that non- applicant no. 1 has not paid any amount to the applicant as ordered by this court at the time of deciding an application filed U/s. 23 of Protection of Women From Domestic Violence Act, 2005.

The said act is a welfare legislation to give social security to the aggrieved person. Now it learn that non-applicant no. 1 has not paid any monetary relief to the applicant so far and therefore the defense liable to be strike out. As he has not obeyed the order passed by this court, the application deserves to be allowed in the interest of justice. Hence I pass the following order.

: ORDER :

- 1) Application stands allowed.
- 2) The defense of non-applicant is strike out.
- 3) Non-applicants do take note of it. -sd-

Gadchiroli.
Date :- 02.01.2024

-sd-
(Smt. N.A. Pathan),
04th J. M. F. C., Gadchiroli.