

MHGA030002472023



Presented on : 13/03/2023
Registered on : 13/03/2023
Decided on : 12/05/2026
Duration : 03Y 01M 30D

**IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE,
GADCHIROLI.
(Presided over by Shri S.B. Vijaykar)**

PWDVA No.07/2023

Exh. No.53

1. **Sau. Shali Yashwant Shende**
Aged about 40 yrs. Occ. Household
2. **Master Kalpak Yashwant Shende**
Aged about 17 yrs. Occ. Education
3. **Master Anuj Yashwant Shende**
Aged about 13 yrs. Occ. Education
Aggrieved person No. 2 & 3 are
through their next friend aggrieved
person No. 1.
All R/o. Sainagar Ward No. 4, behind,
Carmel School Gadchiroli,
Tq. & Dist. Gadchiroli. ... **Aggrieved persons**

..VRS..

1. **Shri Yashwant Bhiwaji Shende,**
Aged 52 yrs. Occ. Service
2. **Smt. Rukmabai Bhiwaji Shende**
Aged 70 yrs. Occ. Household
Both R/o. Ramnagar Potegaon Road,
Near Hajare Chakki Gadchiroli,
Tah. & Dist. Gadchiroli. ... **Respondents**

Appearance :

Adv. Shri A. B. Zanjad for the aggrieved persons,
Adv. Shri V. S. Padmgirwar for the respondents.

JUDGMENT

(Delivered on Dated 12-05-2026)

This is an application filed under section 12 of Protection of Women from Domestic Violence Act, 2005 (D.V. Act for Brevity) and thereby claimed the various reliefs provided in above said Act.

2] **The few facts of the case are as under :**

Aggrieved person No. 1 is the wife of respondent No. 1. Their marriage has been performed as per customs prevailed in their society on 11-04-2004. They blessed with 2 children namely Kalpak and Anuj who are aggrieved person Nos. 2 and 3 in this case. Respondent No. 2 is mother-in-law of aggrieved person No. 1.

3] After performance of marriage, the respondents have treated to aggrieved person No. 1 nicely for few days. Thereafter, they are started to harass her on one or other reasons. They were humiliating her on account of her height. On 16-11-2014, aggrieved person No. 1 and respondent No. 1 started to reside in Gadchiroli. Respondent No. 1 being teacher

in Zilla Parishad School, he used to go and return to Yerkad center of Chudiyal village. He was not taking care of the aggrieved persons. He was not talking with the aggrieved persons.

4] He transferred at Etapalli in the year 2018. He was telling on the phone that he is not interested to come at the house.

5] On 04-02-2019, aggrieved person No. 1 was suffering from her health issue, he left her without giving any information after admission in the hospital. So, her friend taken the care of her health. He was not giving any amount to the aggrieved persons for their survival. So, aggrieved person No. 1 has taken the loan from *Mahila Bachat Gut* and thereby fulfilled the day to day necessities of her house.

6] On 26-07-2020, she found the message in the cellphone on respondent No. 1. That message was of Maya Dongre. One day respondent No. 2 told to aggrieved person No. 1 that her son has extra marital relationship with said Maya Dongre. On this, she shocked. Thereafter, respondent No. 1 also admitted to have extra marital relation with said Maya Dongre.

7] On 31-01-2021, when she was walking with her sons,

on Potegaon road, respondent No. 1 found with lady on the motorcycle. When she asked to respondent No. 1, he picked quarrel with her and went to reside with his mother.

8] On 13-06-2021, the meeting was arranged. The relatives of aggrieved person No. 1 gave understanding to him to which he nicely treated her for few days then again started to pick quarrel with her. After Diwali, respondent No. 1 assaulted her in blue and black colour.

9] She filed a petition under section 12 of the D.V. Act vide by P.W.D.V.A. No. 05/2022 which was withdrawn by her due to compromise between them. After that, respondent No. 1 again picked quarrel with her. There was birthday of aggrieved person No. 1 on 26-11-2022, that time respondent No. 1 picked quarrel with her. He is not taking care of the aggrieved persons. He is not giving any amount for education of aggrieved person Nos. 2 and 3. They are suffering from economic abuse at the hands of respondent No. 1 by which it is domestic violence against the aggrieved persons.

10] Aggrieved person No. 1 is suffering from various ailments. Her children are taking education. They required amount for their livelihood. On the other hand, respondent No. 1 is teacher and having the handsome salary of Rs. 1,50,000/-

per month. He is also have two acres agricultural land at Masargata, Tah. Dhanora, Dist. Gadchiroli. So, respondent No. 1 has sufficient source of income to maintain the aggrieved persons. Hence, the aggrieved persons prayed for granting monetary relief of Rs. 70,000/- per month to them, protection order under section 18 of D.V. Act, residence order under section 19 of the D.V. Act and compensation of Rs. 10,00,000/- under section 22 of the D.V. Act.

11] The respondents have filed the reply at Exh. 13. They denied all the adverse allegations levelled against them. They admitted about the marriage and the relationship between them. However, they denied that they have committed domestic violence against the aggrieved persons. They denied about each and every incident coated in the petition about the ill-treatment given by them.

12] They specifically submitted in the special pleadings that after marriage, aggrieved person No. 1 behaved nicely with the respondents. Aggrieved person No. 1 nicely lead the marital life till the year 2020. Thereafter, the behavioral change occurred in aggrieved person No. 1. She was taking suspicious on the character of respondent No. 1. She used to say that he has affair with the lady. Due to this, respondent No. 1 suffered heavy mental trauma. It is unable to lead happy live under the

stress of allegations of extra marital relationship. He being teacher, he usually talk with his companion. But, aggrieved person No. 1 used to take suspicious on respondent No. 1. This is nothing but violence by the hands of aggrieved person No. 1. Aggrieved person No. 1 defamed to respondent No. 1 by saying to his seniors that he has extra marital relationship, he never look after his family. Due to this behavioral attitude of aggrieved person No. 1, he is unable to live happy life.

13] On 30-12-2021, aggrieved person No. 1 tried to assaulted him by the knife. She herself lodged false report against him by cooking false story. Aggrieved person No. 1 is the political person who is concerned with *Akhil Bharatiya Republican Party*. She used to take benefit of her post. On 02-01-2022, aggrieved person No. 1 picked quarrel with him and ousted him from his house. He is living with his mother at Ramnagar Gadchiroli. The aggrieved persons are living separately from respondent No. 1. The aggrieved persons have given the false report against him. This case is the outcome of the false incident narrated by the aggrieved persons. The respondents have not committed any domestic violence against the aggrieved persons. So prayed for rejection of application.

14] The aggrieved persons have examined to A.W. 1 Shali at Exh. 23 and A.W. 2 Poonam at Exh. 30 and thereby closed

their evidence by filing closing pursis at Exh. 40. The aggrieved persons have relied upon the bunch of documents which will be discussed in the latter part of the judgment whenever required. On the other hand, the respondents have examined to D.W. 1 at Exh. 42 and thereby closed their evidence by filing closing pursis at Exh. 52. Heard both parties.

15] Following points are arisen for my consideration. I have recorded my findings with reasons thereon.

Sr. No.	Points	Findings
1	Whether the aggrieved persons prove that the respondents have committed domestic violence against them?	In the affirmative to the extent of respondent No.1.
2	Whether the aggrieved person are entitled for residence order in shared household as per section 19 of D.V. Act ?	In the affirmative to the extent of respondent No.1.
3	Whether the aggrieved persons are entitled for monetary relief as per section 20 of D.V. Act ?	Partly affirmative.
4	Whether the aggrieved persons are entitled for protection order as per section 18 of D.V. Act ?	In the affirmative to the extent of respondent No.1.
5	Whether the aggrieved persons are entitled for compensation order as per section 22 of D.V. Act ?	Partly affirmative.
6	What order and relief ?	As per final order.

REASONS

As to point no. 1 :

16] It is admitted position that respondent No. 1 is the husband of aggrieved person No. 1 and father of aggrieved person Nos. 2 and 3. It is also admitted position that respondent No. 2 is the mother-in-law of aggrieved person No. 1 and grandmother of aggrieved person No.2 and 3. It is also admitted position that respondent No. 1 is serving as teacher. It is also admitted position that previously the litigation had been between the parties which had been withdrawn by both parties by giving compromise pursis before the Court. It is also admitted position that the aggrieved persons are residing separately from respondent No. 1. The aggrieved persons are living in Gadchiroli's house which has been purchased by respondent No. 1 and respondent No. 1 is living with his mother in Ramnagar, Gadchiroli.

17] On the basis of this admitted position, I have to marshal and appreciate the facts that whether the respondents have committed domestic violence against the aggrieved persons. Respondent No. 2 is the mother-in-law of aggrieved person No. 1. Except few incidence, there is nothing about respondent No. 2 for causing domestic violence against the aggrieved persons. There is no such wild allegations against the respondent No. 2. So, no case is made out against respondent

No. 2 for causing domestic violence.

18] Now, only question is that whether respondent No. 1 has committed domestic violence against aggrieved persons? The definition of domestic violence is given under section 3 of the D.V. Act which saying that any act, omission or commission or conduct of the respondent shall constitute domestic violence. If the respondent causes physical abuse, sexual abuse, verbal, economical abuse, economic abuse then it is called as domestic violence as per section 3 of above said Act. In the explanation clause 2, for determining the domestic violence, the Court has to take into consideration the overall facts and circumstances of the case.

19] The evidence of A.W 1 is the replica of the petition. Her evidence showing that when and where respondent No. 1 has committed domestic violence against her. She specifically coated the incidence of dated 16-11-2014, 04-02-2019, 26-07-2020, 25-11-2020, 31-01-2021 and 13-06-2021. This is the second round of litigation between the parties. The first round of litigation was taken place between the parties vide P.W.D.V. case No. 5/2022 which was later on withdrawn by the parties on 26-04-2022. The said documents is on record at Exh. 26. The copy of pursis is annexed with Exh. 1 of P.W.D.V.A. No. 5/2022 which showing that respondent No. 1 is admitted that he will not cause

any mental or physical violence against the aggrieved persons. The said document is between the parties who are same parties in this case. The said document having the signature of aggrieved person No. 1 and respondent No. 1. So, the said document showing that respondent No. 1 has committed domestic violence against the aggrieved persons.

20] This document is sufficient to show the conduct of respondent No. 1 that aggrieved person No. 1 had filed the petition under section 12 of the D.V. Act for the domestic violence of respondent No. 1. The learned counsel for respondents tried to impeached the credit of A.W. 1, but nothing has been come on record to disbelieve that he has not caused any domestic violence against the aggrieved persons. D.W. 1 himself admitted in the cross-examination which is at Exh. 42 that he had caused domestic violence and compromise was arrived between the parties and thereby they withdrawn the same.

21] Aggrieved person No. 1 is the lady. She will not file any complaint or report against her husband without any reason. When the aggrieved persons lodged report, files complaint or application under section 12 of D.V. Act, then there would be have been some fault on the part of the husband. This is the second round of litigation between the parties, first was

withdrawn due to compromise. Respondent No. 1 raised the defence that the aggrieved persons have prepared tailor made story, but nothing has been brought on record to prove contrary that he has not committed domestic violence against the aggrieved persons. So, overall facts and circumstances of the case if considers, then I am of the opinion that respondent No. 1 has caused domestic violence in the form of physical abuse, verbal abuse and emotional abuse as well as economic abuse. Hence I recorded my finding to point No. 1 in the affirmative to the extend of respondent No. 1.

As to point no. 2 :

22] I have satisfied that respondent No. 1 has committed domestic violence. The aggrieved persons are living in the house which has been purchased by respondent No. 1. However, after minutely scanning the contents of the petition and evidence of A.W. 1, it is no where transpired that respondent No. 1 restrained the aggrieved persons from using the shared house which is belonged to respondent No. 1. But, when the house is belonged to respondent No. 1, then it is possible that he may alienate alleged house to evict the aggrieved persons from the said house. So, it is necessary to grant residence order under section 19 of the D.V. Act restraining him and his relatives from entering any portion of the shared household in which the aggrieved persons are residing and restraining respondent No. 1

from alienating or disposing off the shared household or encumbering the same. Hence I recorded my findings to point No. 2 in affirmative to the extent of respondent No. 1.

As to point no. 3 :

23] I have satisfied that the domestic violence has been committed on the part of respondent No. 1. Respondent No. 1 has not shown any document that aggrieved person No. 1 has sufficient source of income to maintain the aggrieved persons. Even he has not mentioned in the reply or the evidence that the aggrieved persons is earning for her livelihood. This means the aggrieved persons no source of income to maintain themselves. The aggrieved persons are depend upon respondent No. 1. It is admitted position that aggrieved person No. 1 is household lady where as aggrieved person Nos. 2 and 3 are taking education.

24] The aggrieved persons have claimed the monetary relief of Rs. 30,000/- to aggrieved person No. 1 and Rs. 20,000/- each to aggrieved person Nos. 2 and 3. The aggrieved persons have pleaded that respondent No. 1 has handsome salary of Rs. 1,50,000/- per month and agricultural land whose income is Rs. 2 lakh per year. D.W. 1 admitted that he is in service and he having agricultural land, but not to the extend of 2 acres. He has one and one half acres land at Masargata. He filed the salary slip for the month of February, 2026 which is annexed with Exh. 51.

The said document showing that the gross salary of respondent No. 1 is Rs. 1,40,135/- and compulsory deductions are G.P.F. of Rs. 10,000/-, G.I.S. of Rs. 480/- , accidental Insurance of Rs. 531/- and professional Tax of Rs. 300/-. His net salary for the month of February is Rs. 91,863/-. It appears that respondent No. 1 paid one time income tax in the salary of February 2026. There are certain voluntarily deduction like L.I.C, Credit society and he got the net amount of Rs. 69,237/- in hand, but these are the voluntarily deductions which are not compulsory for every salarised person. The voluntarily deductions are for betterment of the salary holder. So on the basis of voluntarily deductions, it would not be said that the net salary of respondent No. 1 is Rs. 69,237/- but the net salary of respondent No. 1 is around Rs. 1,10,000/- to 1,15,000/-. This means he has sufficient source of income fo maintain the aggrieved persons and the respondents.

25] Respondent No. 1 has mother who is depended upon him. They are living separately from the aggrieved persons at Ramnagar, Gadchiroli. Aggrieved person No. 2 is taking education in Pune. Aggrieved person No. 3 is also taking education in Gadchiroli. The standard living of Gadchiroli is not that of metro city. One family can manage to survive in the amount of Rs. 40,000/- to Rs. 50,000/-. Considering the today's price of essential commodities, medical expenses and the price of clothing, I am of the view that Rs. 15,000/- as monetary relief to

aggrieved person No. 1, Rs. 15,000/- to aggrieved person No. 2 and Rs. 10,000/- to aggrieved person No. 3 will suffice the purpose of granting maintenance to the aggrieved persons. Hence, the aggrieved persons are entitled for monetary relief as mentioned in this para. So I recorded my finding to point No. 3 partly affirmative.

As to point no. 4 :

26] In view of finding to point No. 1, the aggrieved persons are entitled for protection order as per section 18 of the D.V. Act. Hence I recorded my finding to point No. 4 in the affirmative to the extent of respondent No.1.

As to point no. 5 :

27] The aggrieved persons are living separately from respondent No. 1. The aggrieved person No. 1 caused domestic violence against the aggrieved persons. The aggrieved persons have suffered mental trauma and mental pain. Such pain can not be calculated in money. But such mental pain can be re-compensated by giving compensation to the aggrieved persons. Hence, I am of the opinion that Rs. 50,000/- compensation under section 22 of D.V. Act to the aggrieved persons will suffice the purpose of giving compensation to them. Hence I recorded my findings to point No. 5 in partly affirmative.

As to point no. 6

28] In view of findings to point No. 1 to 5, the present application is deserved to be partly allowed, hence I proceed to pass following order.

ORDER

1. The application is partly allowed with costs.
2. Respondent 1 is prohibited from committing any act of domestic violence; aiding or abetting in the commission of act of domestic violence against aggrieved persons as per section 18 of D.V. Act.
3. Respondent No. 1 is restrained from dispossessing or in any other manner disturbing the possession of the aggrieved persons on the shared household situated in Sainagar, Ward No. 4 of Gadchiroli, Tah. & Dist. Gadchiroli, restrained respondent No. 1 or any of his relatives from entering any portion of shared household in which the aggrieved persons are residing and restrained respondent No. 1 from alienating or disposing off the share household or encumbering the same.
4. Respondent No. 1 is directed to pay the monetary relief of Rs. 15,000/- per month to aggrieved person No. 1, Rs. 15,000/- per month to aggrieved person No. 2 and Rs. 10,000/- per month to aggrieved person No. 3 as per under Section 20 of D.V. Act, from the date of filing of this

application, if any amount paid by respondent No. 1 as per order passed below Exh. 5, then that amount will be adjusted in this amount.

5. It is directed to respondent No. 1 to pay the compensation of Rs. 50,000/- to the aggrieved persons within one month from the date of passing of this order.
6. It is directed to respondent No. 1 to pay Rs. 5,000/- towards expenses of this litigation to the aggrieved persons.
7. The copy of this order be given free of costs to the aggrieved persons and the respondents.
8. Copy of this order be given to Protection Officer, Gadchiroli and Police station, Gadchiroli.
9. The application is dismissed against respondent No. 2.
10. Dictated pronounced in open court.

Place : Gadchiroli
Date: 12.05.2026

(S.B. Vijaykar)
Add. Chief Judicial Magistrate,
Gadchiroli