

MHGA040003912024



IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,
ARMORI, DIST GADCHIROLI
(Presided Over by Smt. V. V. Choudhari)

P.W.D.VA. Appln. No.18/2024

E-filing

- 1] Arvinda Dhiraj Karhade,
Age 33 years, Occ. Household,
- 2] Advik Dhiraj Karhade,
Age 4 years, Occ. Nil,
applicant No.2 is minor through
his legal guardian mother
i.e. applicant No.1
All C/o. Shri. Jasunda Bodele,
R/o. Kojabi, Post Sirsi,
Th. Armori Dist Gadchiroli

... **APPLICANTS**

VERSUS

Shri. Dhiraj Vitthal Karhade,
Age 37 years, Occ. Agricultural,
R/o. Balapur, Th. Nagbhid,
Dist. Chandrapur

... **NON-APPLICANT**

Advocate for the applicants
Advocate for non-applicant

: Shri. A.M. Kankate
: Smt. N.A. Pathan

ORDER BELOW (EXH.2)

(Passed on 24th day of June, 2026)

This is an application under Section 23 of the Protection of Woman From Domestic Violence Act for granting interim maintenance of Rs.15,000/- per month to applicants on all count.

2] Read the application. Heard Learned Counsel for applicants and non-applicants. By way of this application, the applicant No.1 has stated that till her main application is decided on merit, interim maintenance may kindly be granted to her and her children as she has no source of income. It is also submitted by the applicants that the non-applicant owns 1.25 acre land. He earns Rs.3,00,000/- per years from the said land. He does agricultural work and labour work. From this work he earns Rs.30,000/- per month. Therefore, applicant asked to grant Rs.15,000/- per month for her daily expenses, education of child and towards rent of house for residence of applicants.

3] In the present matter the relationship between the applicants and non-applicant is not a matter of dispute. Admittedly, the applicant No.1 is wife of Non-applicant and applicant No.2 is their children. In her main application, the applicant No.1 has alleged that domestic violence was caused to her by the non-applicant. She submitted that after the marriage non-applicant used to beat her and quarrel with her on the count of household work. Non-applicant used to insult her and he never took care of her during her pregnancy. He used to harassed her physically and mentally.

4] The non-applicant in his reply denied all the allegations made by the applicant against him. He submitted that applicant No.1 is adamant. She used to behave disrespectfully with non-applicant.

Applicant No.1 used to quarrel with non-applicant on frivolous reasons. Non-applicant further submitted that applicant No.1 has done her post graduate. She working as Operator at Grampanchayat Kosabi and earns Rs.15,000/- per month. On the contrary, he does labour work and earns Rs.8,000/- per month. He has to maintain his old aged and ill mother. For her medical treatment he has to spent Rs.4,000/- per month. The applicant is residing with her parents as per her will. Hence, no need to grant her maintenance amount. He prayed to reject the application.

5] Heard learned advocate for the applicant. Non-applicant and his advocate are absent when called out repeatedly. As the instant application is for seeking maintenance on hearing the learned advocate for the applicant the application is taken for passing order. On going through the record of the present case it is seen that the matter is fixed on board for the decision on the application for interim maintenance. At this stage the relationship between the applicants and non-applicants, source of income of both the parties are required to be seen. Applicant No.1 submitted that she has no source of income. She has claimed maintenance of Rs.15,000/- per month for herself and her child. On the contrary, non-applicant submitted that he earns Rs.8,000/- only per month from labour work and he has to maintain his old mother also.

6] I have considered the scope of Section 23 of the Protection of the Woman from Domestic Violence Act and say of

non-applicant. The allegations made by both the parties are required to be proved by them by leading the evidence in the main application. Considering the marital relationship between the applicant and the non-applicant, I am of the view that it is a duty of non-applicant to maintain the applicants. Leaving the arguable points for final adjudication in the main application, this Court is of view that the applicant is entitled for interim maintenance as the main application will take some time for final adjudication.

7] On perusing the record it is seen that applicant No.1 and non-applicant have filed affidavits of their assets and liabilities. According to their affidavits, applicant No.1 has no source of income her son Advik is residing with her. She has to maintain her son and herself. According to non-applicant, he does labour work and earns Rs.8,000/- per month. At present there is no document on record to show that non-applicant has agricultural land and he earns Rs.3,00,000/- per year from the land. There is no document on record to show that from labour work he earns Rs.30,000/- per month. Considering all the above mentioned facts, earning capacity of non-applicant and today's position of rising prices of essential commodities, I am of the view that monthly maintenance of Rs.3,000/- per month towards interim maintenance on all counts to the applicants will meet end of justice. Hence, I pass the following order.

Order

1] Application is partly allowed.

- 2] The non-applicant namely **Dhiraj Vitthal Karhade** is directed to pay Rs.3,000/- per month towards interim maintenance to applicants from the date of this application.
- 3] Copy of the order be given to the applicant and the non-applicant free of costs.

Date :24.06.2026

(Smt. V. V. Choudhari)
Judicial Magistrate First Class,
Armori, Dist. Gadchiroli