

MHJN040022952024

PWDVA Appln No.44/2024

Farjana Shaikh +1 Vs Altaf and Ors.



Order below Exh.16

1. This is an application filed by the Applicants under Section 23 of the Protection of Women from Domestic Violence Act, seeking interim maintenance.

Brief facts of the applicant's case-

2. Applicant No.1 is the legally wedded wife of the Non-Applicant. Their marriage was solemnized in the year 2011 as per Muslim rites and customs. Out of the said wedlock, a male child, Applicant No.2, was born. It is contended that after marriage, the Applicant No.1 cohabited with the Non-Applicant and his family members. Initially, she was treated well. However, thereafter she was subjected to cruelty, harassment, and ill-treatment on trivial grounds. It is alleged that she was abused in filthy language and physically assaulted. The Applicant has further contended that during her pregnancy, she was sent to her parental house and later disputes arose between the parties. She suffered serious health issues during her second delivery, and despite her critical condition, the Non-Applicant neglected her and did not provide any care or financial support.

3. It is further alleged that the Non-Applicant demanded an amount of ₹2,00,000/- to ₹3,00,000/- from her parental family for business purposes and, upon failure to meet the said demand, drove her out of the matrimonial home. Since then, Applicant No.1 is

residing with her parents and has no independent source of income. It is stated that she is unable to maintain herself and is dependent upon her aged mother and family members. It is further contended that the Non-Applicant is financially well-off, running a furniture business and having multiple sources of income, earning approximately ₹60,000/- to ₹65,000/- per month. Therefore, the Applicants have prayed for interim maintenance of ₹10,000/- per month and other monetary reliefs.

4. The Non-Applicant has filed his say/reply at Exh.21 and denied the allegations made by the Applicants. It is contended that the Applicant No.1 voluntarily left the matrimonial home without any sufficient cause and is not entitled to any maintenance. It is further alleged that she left the house along with gold ornaments and valuables. The Non-Applicant submits that the Applicant No.1 has neglected the matrimonial relationship and has not returned despite repeated requests and legal notices. It is further contended that the minor son (Applicant No.2) has been in the custody of the Non-Applicant since long, and he alone is bearing all expenses relating to his upbringing, education, and daily needs. The Non-Applicant has also stated that he has dependent parents and limited income, and therefore he is unable to pay maintenance as claimed. Accordingly, he has prayed for rejection of the application.

5. Heard both sides. The following points arise for my consideration. Findings for them alongwith reasons are as under.

Sr. No.	Points	Finding
1.	Whether Applicants are entitled for grant of interim maintenance?	Yes, (to the extent of applicant No.1)
2.	What order ?	Application is partly allowed

REASONS

As to Point No.1:

6. It is not in dispute that Applicant No.1 is the legally wedded wife of the Non-Applicant. The marital relationship between the parties is admitted. At this stage, it is important to note that the present application is for interim maintenance, and therefore, a detailed appreciation of evidence is not required.

7. Record shows that the Non-applicant has sent "Triple Talak" Notice to the Applicant, which shows that the Applicant has been neglected by the Non-Applicant and is residing separately without any source of income. There is no material on record to show that she is earning or capable of maintaining herself independently. On the other hand, the Non-Applicant is an able-bodied person engaged in business activities. Even though he has denied his exact income, it is evident that he has sufficient means to earn. The defence raised by the Non-Applicant that the Applicant left the matrimonial home voluntarily is a matter of trial and cannot be conclusively decided at this stage.

8. It is a settled principle of law that an able-bodied husband is under an obligation to maintain his wife who is unable to maintain herself. Hence, Applicant No.1 has made out a prima facie case for grant of interim maintenance. As regards Applicant No.2, it is an admitted position that the minor son is residing with the Non-Applicant since long and the Non-Applicant is bearing his educational and day-to-day expenses. Therefore, no case is made out for granting interim maintenance to Applicant No.2.

Accordingly, point No.1 is answered in the affirmative to the extent of Applicant No.1 only.

As to Point No.2:

9. Considering the overall circumstances and basic needs of the Applicant, reasonable interim maintenance needs to be awarded. Hence, following order.

Order

1.	Application is partly allowed.
2.	The Non-Applicant is directed to pay ₹5,000/- (Rupees Five Thousand only) per month as interim maintenance to Applicant No.1 from the date of application till final disposal of the matter.
3.	The claim of Applicant No.2 for interim maintenance is hereby rejected, as he is residing with the Non-Applicant and his expenses are being borne by him.
4.	Copy of this order be given free of costs to the concerned parties in view of Section 24 of the Protection of Women from Domestic Violence Act.

Date :21.04.2026

J.M.F.C. Court No.1, Ambad

CERTIFICATE

I affirm that the contents of this PDF file are word to word as per original Order.

Name of Steno : S.M. Sapkal

Name of the Court : Judicial Magistrate, F.C., Ambad

Date : 21.04.2026

Sd/-

Signature of Stenographer