


<p>MHJN080002432022</p> 	<p>Received on : 28/03/2022 Registered on : 28/03/2022 Decided on : 02/06/2026 Duration : Y M D 04 02 05</p>
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**IN THE COURT OF THE JUDICIAL MAGISTRATE FIRST CLASS,  
GHANSAWANGI**

**(Presided over by :- Chetan Jagtap)**

**PWDVA No.08/2022**

**Exh.37**

<b>Applicants</b>	<ol style="list-style-type: none"> <li>1. Shivnanda Dilip Dhurat, Age : 34 years, Occu. : Housewife,</li> <li>2. Pragati Dilip Dhurat, Age : 15 years, Occu. : Education,</li> <li>3. Aditya Dilip Dhurat, Age : 13 years, Occu. : Education, Applicant No.2 and 3 through legal guardian applicant No.1.</li> </ol> <p>All At present R/o. : Udhan Kandari, Tq. Ghansawangi, Dist. Jalna.</p>
<b>Represented by</b>	Learned Advocate Shri. V. D. Udhan
<b>Versus</b>	
<b>Respondents</b>	<ol style="list-style-type: none"> <li>1. Dilip Kisan Dhurat, Age: 42 Yrs, Occu: Agri,</li> <li>2. Kisan Begaji Dhurat, Age: 60 Yrs, Occu: Agri.,</li> <li>3. Nanda Kisan Dhurat, Age: 58 Yrs, Occu: Agri.,</li> <li>4. Vikas Narayan Dhurat, Age: 26 Yrs, Occu: Agri.,</li> </ol>

	1 to 4 R/o. At Jamb Samarth, Tq.Ghansawangi Dist. Jalna.
<b>Represented by</b>	Ld. Advocate Shri. S. J. Waghdare

**Part B**

Date of Incident	-
Date of filing of application	28.03.2022.
Date of commencement of evidence	02.11.2022.
Date on which judgment is reserved	-
Date of Judgment	02.06.2026

**Part C****LIST OF APPLICANTS / OPPONENTS / COURT WITNESSES****A. Applicants :-**

Rank	Name	Exhibit	Nature of Evidence
AW-1	Shivnanda Dilip Dhurat	10	Applicant No.1

**B. Respondent :-**

Rank	Name	Exhibit	Nature of Evidence
RW-1	Dilip Kisan Dhurat	19	Respondent No.1
RW-1	Shankar Manikarao Vaydal	21	Witness

**C. Court Witnesses, if any :-**

Rank	Name	Nature of Evidence
-	-	-

**LIST OF APPLICANT/ RESPONDENT/ COURT EXHIBIT****A. Applicants :-**

Sr. No.	Exhibit	Description
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1	12	7/12 extracts of Gat No.24
2	36	Domestic incident report

**B. Respondent :-**

Sr. No.	Exhibit	Description
1	34	Verified copy of judgment in RCC No.69/2022
2	35	Marriage photograph of applicant No.2

**C. Court Exhibits :-**

Sr. No.	Exhibit Number	Description
-	-	-

**D. Material Objects :**

Sr. No.	Material Object Number	Description
-	-	-

**J U D G M E N T**

(Delivered on 02/06/2026)

Application under section 12 of Protection of Women from Domestic Violence Act 2005.

**Applicants contention is as under :-**

2. The applicant No.1 is the legally wedded wife of the respondent No.1. Their marriage was solemnized as per Hindu tradition and rituals prior to 14 to 15 years ago at village Kandari Ambad, Tq.Ghansawangi, Dist. Jalna. After the marriage, applicant No.1 went to reside at the house of respondents. Through wedlock, applicant No.2 and 3 are begotten. Other respondents are the family members of respondent No.1.

3. At the house of respondents, for first few days applicant No.1 was treated well. Subsequently, they started harassment of the applicant No.1. On small reasons, respondent No.1 used to abuse and beat her. Respondents used to take suspicion on the chastity of the applicant No.1. Respondent No.1 has the habit of drinking alcohol. In the influence of the same, he used to beat the applicants. Respondents made demand of Rs.50,000/- (Rupees Fifty Thousand) for the construction of Well, towards the applicant No.1, in order to bring the same from her parents. On that count, she was ill-treated by the respondents. Applicants were thrown out of house by the respondents. Since then, they are residing at the parents house of the applicant No.1. Respondents have committed domestic violence on the applicant No.1.

4. Applicants are unable to maintain themselves. Respondent No.1 being the husband and father, has responsibility to maintain them. But, he is denying the same. The respondent No.1 is not providing any maintenance to the applicants. The respondent No.1 owns irrigated farm land. Through the same respondent No.1 gets annual income of Rs.6,00,000/- (Rupees Six Lakh) to Rs.7,00,000/- (Rupees Seven Lakh). He also does the business of vegetables. From the same he gets Rs.10,000/- (Rupees Ten Thousand) to Rs.15,000/- (Rupees Fifteen Thousand) per month income. Thus, on these grounds, the applicants have prayed :- (1) To grant the protection order, (2) to grant the maintenance of Rs.12,000/- (Rupees Twelve Thousand) per month to the

applicants from the respondent No.1 and (3) to grant compensation of Rs.5,00,000/- (Rupees Five Lakh) from all the respondents to the applicants.

5. The respondents appeared before the court. They filed their say at Exh.08. Their submission is as under :-

They have admitted the relationship stated by the applicants. They submitted that they have not committed any physical and mental cruelty on the applicant No.1. They never made any demand of money towards the applicant No.1. Applicant No.1 has extra marital affair with one person from Jamb Samartha. Applicant No.1 used to raise quarrel with the respondents. She used to insult the parents of the respondent No.1. Applicant No.1 herself left the company of respondents. Respondent No.1 does not have sufficient source of income to provide separate maintenance to the applicants. Hence, prayed to reject the application.

6. Considering application, say and evidence on the record, following points arise for my determination and I have recorded my findings thereon for the reasons to follow.

Sr. No.	Points	Findings
1.	Whether the applicants prove that applicant No.1 was subjected to domestic violence as defined under section 3 of the Protection of Women from Domestic Violence Act, 2005 by the respondents ?	Affirmative.
2.	Whether the applicant No.1 is entitled	Affirmative.

	to get the protection order, as prayed ?	
3.	Whether the applicants are entitled to the maintenance of Rs.12,000/- (Rupees Twelve Thousand) per month from the respondent No.1, as prayed ?	Partly affirmative. Rs.3,000/- per month to the applicant No.1 only.
4.	Whether the applicants are entitled to get the compensation of Rs.5,00,000/- (Rs. Five Lakh) from the respondents, as prayed ?	Negative.
5.	What order ?	Application is partly allowed.

### **REASONS**

#### **AS TO POINT NO.1 : -**

7. Applicants submission is that applicant No.1 is the legally wedded wife, applicant No.2 is the daughter, applicant No.3 is the son of respondent No.1 and other respondents are the family members of the respondent No.1. Relationship stated by the applicants is admitted by the respondents. Admitted facts need not to be proved. Hence, as the relationship is admitted and therefore, the same is proved by the applicants.

8. Now, it needs to be seen whether applicants prove that applicant No.1 was subjected to the physical and mental harassment i.e. she was subjected to domestic violence as defined in section 3 of the Protection of Women from Domestic Violence Act, 2005. Applicants submission is that applicant No.1 was physically and mentally tortured by the respondents. Whereas,

respondents submitted that no any domestic violence committed on the applicant No.1. It is not disputed that after the marriage applicant No.1 went to reside at the house of respondents. That means, admittedly, applicant No.1 was in domestic relationship with the respondents. **Section 2(f) of the Domestic Violence Act, defines the term ‘Domestic relationship’.** The same means a relationship between two persons who live or have, at any point of time, lived together in shared household, when they are related by consanguinity, marriage or through a relationship in the nature of marriage, adoption or are family members living together as a joint family.

9. The applicant No.1 through her evidence affidavit filed at Exh.10 has specifically stated the physical and mental harassment caused to her by the respondents. She corroborated the contention of the main application. She was subjected to cross-examination by learned advocate on behalf of respondents. During the same, her evidence remained intact in respect of ill-treatment caused to her by the respondents. Furthermore, there is domestic incident report at Exh.36. The same supports the contention of the applicants.

10. The object of the Act is to provide for more effective protection of the rights of women guaranteed under the constitution who are victims of violence of any crime occurring within the family and for the matters connected therewith or incidental thereto. Section 3 of the Act defines domestic violence. The said definition is very wide which includes physical abuse,

verbal abuse, sexual abuse, emotional abuse and economic abuse. Aggrieved person as define by clause (a) of section 2 means any women who is or has been in domestic relationship with the respondent and who alleges to have been subjected to any act of domestic violence by the respondent. In present case in hand, applicant No.1 was in the domestic relationship with the respondents. The oral evidence adduced by the applicant No.1 and domestic incident report are sufficient enough to prove the harassment caused to her at the hands of the respondents. The said harassment amounts to domestic violence as defined in section 3 of the Domestic Violence Act, 2005. Considering all above discussion, the applicant No.1 is able to prove that she was subjected to the domestic violence by the respondents. Therefore, I answer point no.1 into the affirmative.

**AS TO POINT NO.2 :-**

11. From the above discussion, it is proved that domestic violence has taken place. Therefore, applicant No.1 is entitled to the protection order under section 18 of the Act. Hence, I answer point no.2 into the affirmative.

**AS TO POINT NO.3 :-**

12. The applicants have prayed for granting maintenance of Rs.12,000/- (Rupees Twelve Thousand) per month from the respondent No.1. Applicants submission is that that applicant No.1 does not have any source of income. Respondent No.1 being the husband and father has responsibility to maintain the applicants. Respondent no.1 owns farm land. He does the vegetable business.

Respondent No.1 has sufficient source of income to provide separate maintenance to the applicants. On the other hand, respondents submitted that respondent No.1 does not have sufficient income to provide maintenance to the applicants.

13. Respondents have not adduced any evidence in order to show that applicant No.1 does some work and gets income from it. Hence, it appears that applicant No.1 is unable to maintain herself. On perusal of 7/12 extract of Gat No.24 of village Jamb Samartha, produced at Exh.12, shows that respondent No.1 owns 1 H 32 R farm land. Respondent No.1 has the farm land on his name. That means, respondent No.1 has sufficient source of income to provide separate maintenance to the applicant No.1. Applicant No.1 during her evidence before the Court has admitted that applicant No.3 is with respondent No.1. As, applicant No.3 is with respondent No.1 and therefore, no maintenance can be granted to the applicant No.3. Furthermore, photograph produced at Exh.35 proves that marriage of the applicant No.2 is solemnized. As, applicant no.2 is now married, and hence no maintenance can be granted to her. Nothing on the Court record adduced by the respondents which shows that respondent No.1 is providing any maintenance to the applicant No.1. Thus, considering the medical and daily maintenance of applicant No.1 and also the nature, position and living standard of applicant No.1 and respondent No.1, in my view, amount of monthly maintenance of Rs.3,000/- (Rupees Three Thousand) per month to the applicant No.1 from the respondent no.1, will be just and most appropriate.

Prayer of maintenance of applicant No.2 and 3 is rejected. Therefore, I answer point no.3 into the partly affirmative.

**AS TO POINT NO.4 :-**

14. The applicants have also prayed for granting the compensation for the physical, mental and emotional distress caused to the applicant No.1 by the respondents. Though, applicant No.1 has able to prove that she was subjected to the domestic violence by the respondents, but there is nothing on the court record in order to show the specific damage sustained by the applicant No.1. No any medical certificate is been produced to show the injuries sustained by the applicant No.1. No any medicine purchase receipts are been produced to show the expenses to the applicant No.1. Except the bare submission there is no any cogent, material and satisfactory documentary evidence to prove that applicant No.1 suffered damages of Rs.5,00,000/- (Rupees Five Lakh). Considering these aspects, applicants are not entitled to the compensation as per Section 22 of the Protection of Women from Domestic Violence Act, 2005. Hence, for the reasons stated above, I answer point no.4 into the negative.

**AS TO POINT NO.5 :-**

15. In answer to the point no.5, I pass the following order :-

**ORDER**

1. Application is partly allowed in following terms.
2. Respondents are hereby prohibited from committing,

aiding, abetting or attempting to commit any act of domestic violence against the applicant No.1.

3. The respondent No.1 is hereby directed to provide amount of Rs.3,000/- (Rupees Three Thousand) per month to the applicant No.1 towards her maintenance from the date of this judgment.
4. Prayer of maintenance of applicant No.2 and 3 is rejected.
5. Prayer of compensation is rejected.
6. Copy of this order be provided free of cost to parties to the application. Copy of the present order be sent to the Police Officer-in-charge of Police Station Ghansawangi and also to the Protection Officer.

Date: 02/06/2026.  
Place: Ghansawangi.

( Chetan Jagtap)  
Judicial Magistrate First Class,  
Ghansawangi.

**CERTIFICATE**

I affirm that the contents of this p.d.f. file judgment/order are same,word to word as per the original judgment/order.

Name of the stenographer	G. J. Bhise
Name of court	J.M.F.C., Ghansawangi
Date of dictation	02/06/2026
Judgment /Order signed by the P.O. on	02/06/2026
Judgment/Order uploaded on	02/06/2026

Sd/-  
Stenographer Grade-3