


MHJN080008102025	Received on : 12/06/2025
	Registered on : 12/06/2025
	Decided on : 16/03/2026
	Duration : Y M D
	00 09 04

IN THE COURT OF THE JUDICIAL MAGISTRATE FIRST CLASS,
GHANSAWANGI

(Presided over by :- Chetan Jagtap)

PWDVA No.17/2025

Exh.32

Applicant	Manisha Mohan Pawar, Age :- 25 years, Occu. :- Housewife, At present R/o :- Borgaon Tanda, Tq. Ghansawangi, Dist. Jalna.
Represented by	Ld. Advocate Shri. R. S. Deshmukh
Versus	
Respondents	1. Mohan Bhanudas Pawar, Age: 30 Yrs, Occu: Kirtankar, 2. Bhanudas Bhimrao Pawar, Age: 65 Yrs, Occu: Agri, 3. Janabai Bhanudas Pawar, Age: 58 Yrs, Occu: Household, 1 to 3 R/o. Jategaon, Tal.Georai, Dist.Beed.
Represented by	Ld. Advocate Shri. K. E. Jadhav & Shri A. K. Mate

Part B

Date of Incident	-
Date of filing of application	12.06.2025.
Date of commencement of evidence	05.08.2025.

Date on which judgment is reserved		-
Date of Judgment		16.03.2026
Date of the sentencing order, if any.		-

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

Rank	Name	Exhibit	Nature of Evidence
AW-1	Manisha Mohan Pawar	04	Applicant

B. Respondents :-

Rank	Name	Exhibit	Nature of Evidence
-	-	-	-

C. Court Witnesses, if any :-

Rank	Name	Nature of Evidence
-	-	-

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

Sr. No.	Description	Exhibit Number
1	Domestic Incident report	06
2	Adhar card of applicant	07
3	7/12 extract of Gat No.126/1	08
4	7/12 extract of Gat No.125/2	09
5	7/12 extract of Gat No.159	10

6	7/12 extracts of Gat No.178, 183 & 200	11 to 13
7	Birth certificate of Tanvi Mohan Pawar	14
8	Bonafide certificate of Manvi Mohan Pawar	15

B. Respondents :-

Sr. No.	Exhibit Number	Description
-	-	-

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 16/03/2026)

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

Applicant's contention is as under :-

2. Applicant is the legally wedded wife of the respondent No.1. Their marriage was solemnized on date 29.06.2018. Other respondents are the family members of the respondent No.1. After the marriage, applicant went to reside at the house of the respondents. At there, for first 02 months, applicant was treated

nicely by the respondents. Subsequently, respondents started ill-treating the applicant. Respondent No.1 used to humiliate the applicant. He used to abuse her and her parents in filthy language. Respondents used to give threat to kill to the applicant. Respondent No.1 used to beat the applicant. He used to take suspicion on the chastity of the applicant. Respondents used to made demand of money towards the applicant in order to bring the same from her parents. As, her parents could not able to fulfill the demand of money and therefore, she was kept starving by the respondents. On date 13.03.2025, applicant alongwith her two daughters, were thrown out of house by the respondents. Physical and mental torture committed on the applicant. Domestic violence has been committed on the applicant by the respondents.

3. Applicant and her two daughters are unable to maintain themselves. Respondent No.1 being the husband and father, has responsibility to maintain the applicant and daughters. But, he is denying the same. The respondent No.1 is not providing any maintenance to the applicant and daughters. The respondents owns the irrigated farm land. Morealso, respondent No.1 is a Kirtankar. He gets Rs.25,000/- (Rupees Twenty Five Thousand) to Rs.30,000/- (Rupees Thirty Thousand) per month income. He earns Rs.20,00,000/- (Rupees Twenty Lakh) to Rs.25,00,000/- (Rupees Twenty Five Lakh) per year income. The respondent No.1 has capacity to provide separate maintenance to the applicant and to the daughters. Thus, on these grounds, the applicant has prayed :- (1) To grant the protection order, (2) to grant the maintenance

of Rs.20,000/- (Rupees Twenty Thousand) per month to the applicant from the respondent No.1, (3) residence order and (4) also to grant compensation of Rs.25,00,000/- (Rupees Twenty Five Lakh) from all the respondents to the applicant.

4. The respondents appeared before the court. They filed their say at Exh.20. Their defence is as under :

They admitted the relationship stated by the applicant. They have not committed any domestic violence on the applicant. Applicant was treated nicely. She used to pickup quarrels with the respondents. She frequently used to visit her parents house. She has extra marital affair. Respondent No.1 is a Kirtankar. He does not have sufficient income to provide separate maintenance to the applicant and to the daughters. Applicant does the tailoring work and through the same gets Rs.300/- (Rupees Three Hundred) per day income. She has sufficient source of income to maintain herself and to the daughters. Hence, on these grounds prayed to reject the application.

5. 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.	Does the applicant proves that she 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.	Does the applicant is entitled to get the protection order, as prayed ?	Affirmative.
3.	Does the applicant is entitled to the maintenance of Rs.20,000/- (Rs. Twenty Thousand) per month from the respondent No.1, as prayed ?	Partly affirmative. Rs.10,000/- per month.
4.	Does the applicant is entitled to the residence order, as prayed ?	Affirmative.
5.	Does the applicant is entitled to get the compensation of Rs.25,00,000/- (Rupees Twenty Five Lakh) from the respondents, as prayed ?	Negative.
6.	What order ?	Application is partly allowed.

REASONS

6. Heard learned Advocate for the applicant. Even after sufficient opportunity, learned advocate for the respondents failed to make the final argument. Hence, proceeded without the final argument on the part of respondents.

AS TO POINT NO.1 : -

7. The applicant's submission is that she is the legally wedded wife of respondent no.1 and other respondents are the family members of the respondent no.1. Furthermore, it is submitted that through the wedlock two daughters are begotten. Respondents have admitted the relationship stated by the applicant. Morealso, birth certificate produced at Exh.14 and Bonafide certificate issued by the school, produced at Exh.15,

shows that applicant and respondent No.1 has two daughters namely Tanvi and Manvi. Thus, considering the admission and the documents produced, it appears that applicant is legally wedded wife of the respondent no.1, through the said wedlock two daughters are begotten and respondent No.2 and 3 are the family members of respondent no.1. Thus, the evidence adduced by the applicant and admission given by the respondents, proves the relationship stated by the applicant.

8. Now, it needs to be seen whether applicant proves that she 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. Learned Advocate for the applicant argued that applicant was physically and mentally tortured by 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 through her evidence affidavit filed at Exh.4, has specifically stated the physical and mental harassment caused to her by the respondents. She corroborated the contention of the main application. Respondents failed to take cross-examination of the applicant. As, they failed to counter the deposition of applicant by taking her cross-examination and

therefore, an adverse inference needs to be drawn against them. Furthermore, there is domestic incident report produced at Exh.06. The same corroborates the applicant's contention. The respondents into their say filed at Exh.20 has made allegations of extra marital affair against the applicant. They failed to adduce evidence in that respect. Having such a position, making such a allegation without adducing evidence, is itself amounts to domestic violence. Thus, considering the oral and documentary evidence adduced by the applicant, the applicant has able to prove that respondents committed physical and mental cruelty on her.

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 vide 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 was in the domestic relationship with the respondents. The oral and documentary evidence adduced by the applicant is sufficient enough to prove the harassmt caused to applicant at the hands of the respondents. The said harassmt amounts to domestic violence as defined in section 3 of the Domestic Violence

Act, 2005. Considering all above discussion, the applicant 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 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 applicant has prayed for granting Rs.20,000/- (Rupees Twenty Thousand) per month towards her maintenance. Learned advocate for the applicant submitted that applicant does not have any source of income. Respondent no.1 being the husband has responsibility to maintain the applicant and to two daughters. Respondent no.1 is a Kirtankar. Morealso, he owns irrigated farm lands. He gets Rs.25,000/- (Rupees Twenty Five Thousand) to Rs.30,000/- (Rupees Thirty Thousand) per month income. He earns Rs.20,00,000/- (Rupees Twenty Lakh) to Rs.25,00,000/- (Rupees Twenty Five Lakh) per year income. He has sufficient source of income to provide separate maintenance to the applicant and to two daughters. Respondents in their say submitted that applicant does the tailoring work and through the same gets Rs.300/- (Rupees Three Hundred) per day income. She has sufficient income to maintain themselves.

13. Respondent No.1 is the husband of the applicant. Through their wedlock two daughters are begotten. Admittedly,

those daughters are with the applicant. It is not into dispute that applicant and two daughters are not residing with the respondent no.1. Nothing on the Court record adduced by the respondent No.1 to prove that he is providing maintenance to the applicant and to his daughters.

The Hon'ble Bombay High Court in Sanjay Damodar Kale vs Kalyani Sanjay Kale, AIR Online 2020 Bom 627 has held that - *“neither mere potential to earn nor the actual earning of the wife, howsoever meager, is sufficient to deny claim of maintenance.”*

14. Here, except the general statement, respondents have not adduced any evidence to show that applicant does the tailoring work and from the same she gets the income. As per the observations made by the Hon'ble Bombay High Court in the above judgment, even though for the seek of argument it is accepted that applicant does the work and gets the income from it, this itself will not take away the responsibility of the husband and that of father to provide maintenance to the wife and to daughters. The applicant being the wife and they are having daughters, the respondent no.1 is duty bound to maintain them.

15. The respondent No.1 has admitted that he is a Kirtankar. The applicant through his oral evidence has stated that respondent No.1 gets Rs.25,000/- (Rupees Twenty Five Thousand) to Rs.30,000/- (Rupees Thirty Thousand) per month income. He earns Rs.20,00,000/- (Rupees Twenty Lakh) to Rs.25,00,000/- (Rupees Twenty Five Lakh) per year income. Furthermore, in

support of submission the applicant has produced 7/12 extracts of the farm lands. Respondents have not taken the cross-examination of the applicant, even after sufficient opportunity. They failed to deny the submission made by the applicant into her oral deposition. They also failed to adduce their evidence on the Court record. As, respondents failed to take cross-examination of the applicant and therefore, her deposition needs to be accepted as it is and relied on. Applicant's oral evidence and the documentary evidence has to be relied on as it is.

16. Admittedly, applicant and her two daughters are not residing with the respondent no.1. The income of respondent no.1 as stated by the applicant needs to be accepted and relied on as it is. The applicant being the wife having two daughters, the respondent no.1 is duty bound to maintain them. Thus, considering the medical, educational and daily maintenance of applicant and two daughters and also the nature, position and living standard of applicant and respondent No.1, in my view, amount of monthly maintenance of Rs.10,000/- (Rupees Ten Thousand) to the applicant from the respondent no.1, will be just and most appropriate. Therefore, I answer point no.3 into partly affirmative.

AS TO POINT NO.4 :-

17. The applicant has claimed residence order. She submitted that at Paithan, Tq.Paithan, Dist.Aurangabad into Gat No.12 there is a joint house having area 2178 Square Feet. Permission be granted to her and to her two daughters to reside

and to use the utensil present into the said house. As, admittedly applicant and her two daughters are not residing with the respondents. Nothing on the Court record produced by the respondent, which shows that he has made arrangement of residence of the applicant and two daughters. Having such a position, applicant and her two daughters needs to be granted permission to reside in above mentioned house. Thus, I decide point no.4 into affirmative.

AS TO POINT NO.5 :-

18. The applicant has also prayed for granting the compensation for the physical, mental and emotional distress caused to her by the respondents. Though, applicant 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 any medical certificate is been produced to show the injuries sustained by the applicant. No any medicine purchase receipts are been produced to show the expenses to the applicant. Except the bare submission there is no any cogent, material and satisfactory documentary evidence to prove that applicant suffered damages of Rs.25,00,000/- (Rupees Twenty Five Lakh). Considering these aspects, applicant is 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.5 into the negative.

AS TO POINT NO.6 :-

19. In answer to the point No.6, 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.
3. The respondent No.1 is hereby directed to provide amount of Rs.10,000/- (Rupees Ten Thousand) to the applicant towards her monthly maintenance from the date of the filing of application.
4. The applicant alongwith her two daughters are allowed to reside into the joint house present into Gat No.12 at Paithan, Tq.Paithan, Dist.Aurangabad. The respondents are restrained from disturbing the possession of applicant and her two daughters into the said joint house.
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 Ghansawangi Police Station and also to the Protection Officer.

Date: 16/03/2026.
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	16/03/2026
Date of sign by P.O. on	16/03/2026
Date of Judgment/Order upload	16/03/2026

Sd/-

(Stenographer Grade-3)