



PWDVA NO. 94/2022

Deepali Vs. Parvati

CNR NO. MHKO030045242022

: ORDER BELOW EXH.05 :

(Passed on 26th August, 2022)

Applicants have filed this application for interim relief under section 23 of the Protection of Women from Domestic Violence Act seeking directions to restore the electricity and water supply of the house where they are residing. Non-applicants appeared in the matter but failed to file reply to the application. It is contended that the property situated on Gat No. 555/1 in Kasba Bavada having three rooms out of which in one room the applicants are residing. The applicant has filed an affidavit today contending on oath that she is residing in the said room along with her three daughters. It is contended by the applicant that she along with her husband and non-applicant No.1 and 2 were residing in the same house. Husband of applicant No. 1 has died on 21-03-2022. Since then non-applicants started harassing the applicants. It is contended that applicants no. 2 to 4 are taking education and are studying in 12th, 9th and 6th std. Respectively. The non-applicants in order to harass the applicants have disconnected the electricity and water supply of the house where the applicants are residing and now the non-applicant no. 1 is residing with non-applicant no. 2. It is worth to mention here that electricity and water are the essential requirements for human being's survival. As the daughters of applicant no. 1 are studying, they are in dire need of electricity as well as water supply. From the application and affidavit of applicant it appears that the applicants and non-applicants no. 1 and 2 were residing in shared household. There appears urgent need to pass the order in the facts and circumstance of the present case. As per Section 23 the Code is empowered to pass ex parte order in relevant case. Considering the requirements of the applicants, I am of the view that it is necessary to pass interim order without waiting for the reply of non-applicants. Hence, following order is passed-

ORDER

1. The application is allowed.
2. Non-applicants are restrained from evicting the applicants from the house property situated on Gat No. 555/1 in Kasba Bawada, Kolhapur till the disposal of main application as per Section 19 read with section 23 of the D.V.Act.
3. Non-applicants are directed to restore the electricity and water supply of the house where the applicants are residing as per Section 19 read with section 23 of the D.V.Act.
4. Non-applicant No. 1 is restrained from transferring the house property in any manner to anybody till the disposal of main application as per Section 19 read with section 23 of the D.V.Act.
5. Copy of this order be supplied to both the parties as well as Protection Officer and concerned Police station for its information and necessary action.
6. Costs in cause.

Date :26/08/2022.
Kolhapur

(M.M.Palsapure)
Judicial Magistrate F.C. (Court No.3),
Kolhapur.