

MHKO050000022025 	<u>Order Below Exh.14 in</u> <u>PWDVA Application No.3/2025.</u> <u>Neha Kuldeep Patil and Ors. V/s. Kuldeep</u> <u>Balgonda Patil and Ors.</u>
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This application is moved by the applicant under section 19(8) of the Protection of Women from Domestic Violence Act, 2005 (In short D. V. Act) for request to return of TVS IQUBE ELECTRIC two wheeler bearing registration No.MH-09-GG-9954 which stands in her name. It is contention of the applicant that said vehicle is purchased by her out of her own income. But, same is presently in the possession of the respondent No.2 (father-in-law) who has refused to hand over the same to the applicant. Therefore, she was constrained to file the present application for return of the vehicle. Hence, the applicant has prayed to allow the application.

2. The respondent No.2 has resisted the application by filing his say at **Exh.15** and raised strong objection on the ground that though the vehicle was purchased in the name of the applicant who is his daughter-in-law but, the entire purchase amount of Rs.1,51,000/- of the said vehicle was paid by him. Therefore, he has right to retain the possession of the vehicle which he required for his daily use. Hence, prayed to reject the application.

Ld.Advocate for the respondent No.2 placed his reliance on following citations:-

- a. Krishna Bhattacharjee V/s. Sarathi Choudhury and Ors in Criminal Appeal No.1545/2015, Hon'ble Supreme Court of India.
- b. Maya Gopinathan V/s. Anoop S. B. and Ors., Hon'ble Supreme Court of India.

3. Perused the application, say and documents on record. Heard learned counsel for both the parties. On perusal of the registration

certificate filed by the applicant along with list at **Exh.3** shows that the vehicle stands in her name. Further, the cash receipt and advance number fee receipt filed by the applicant along with list at **Exh.17** shows that receipt stands in the name of the applicant. Therefore, it prima-facie appears from the documents on record that the applicant has purchased the vehicle and she is owner of the same. At this juncture there is no documentary evidence filed by the respondent on record to show that he has paid the purchase amount of said vehicle. Hence, the contention of the respondent No.2 cannot justify retention of the vehicle against the registered owner. It is pertinent to note here that, withholding vehicle of the applicant means depriving her its use and also amounts to economic abuse in view of the provision of the D. V. Act. With due respect to the ratio laid down in the cited case laws filed by the respondent No.2 but as the facts of the present case and that in the case law are different hence, same are not applicable to the case in hand. In view of the above said discussion, I pass following order:-

ORDER

1. Application is allowed.
2. The respondent No.2 is directed to hand over the possession of TVS IQUBE ELECTRIC two wheeler bearing registration No.MH-09-GG-9954 to the applicant within 30 days from the date of this order.
3. The applicant is directed that she shall not alienate or create third party interest in said vehicle during pendency of the proceeding without permission of this Court.

(R.D. Kharate)

Date : 13/02/2026.

Judicial Magistrate, F.C., Ichalkaranji.