

MHKO050042312024 	Deepali Ranjit Bagde Vs. Ranjit Wajir Bagde P. W. D .V. A 67/2024
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ORDER BELOW EXH.5

The present application is made by the applicant (original) under Sec.23 of the Protection of Women from Domestic Violence Act, 2005 ('DV Act') seeking interim compensation from the respondents.

2) Perused the application and heard Ld. Advocate for the applicant.

3) The applicant and Respondent no.1 got married on 15/07/2003 as per the Hindu traditions. The applicant is second wife of respondent no.1. the first wife of respondent no.1 and applicant are real sister's. Respondent no.2,3 and 4 are step-son's and daughter, respondent no.5 is brother in-law of the applicant (नंदेचा पती). Ld. Advocate for the applicant submitted that the applicant is a home maker and she does not earn anything. He also submitted that financial condition of the applicant is very poor and she is dependent for her livelihood on the respondent no.1.

4) It is submitted that the applicant was subjected to mental as well as physical harassment at the hands of respondent. They committed acts such as restricting the applicant from using phone, pouring kerosin with an intention to set her on fire, frequent verbal abuse, sexual exploitation at the hands of Respondent no.1 and 5, etc. Having suffered a lot, the applicant prayed for Rs. 50,000/- as

monthly expenses, Rs. 50 lakh as a compensation from the respondents as well as protection order against the respondents.

5) The applicant placed on record photographs with family members of respondent at Exh.3/1, 3/2. The applicant also placed on record affidavit of assets and liabilities at Exh.24.

6) Despite giving several opportunities, the respondents did not file say. Hence, 'no say' order passed below Exh.1 and the present application be decided without their say.

7) On perusal of the application, it appears that the applicant is completely dependent on the respondent no.1. From the allegations made against the respondents, it prima facie appears that the allegations are grave in nature and despite appearing in the matter, the failure of respondents to file their say makes it clear that there is substance in the allegations of the applicant. It is alleged that the respondents mentally as well as physically harassed the applicant. The photos produced on record shows injury marks on the face of the applicant, which prima facie evidence of violence on the applicant.

8) On perusal of the affidavit of assets and liabilities of the applicant (Exh.24) it appears, that she is dependent on the Respondent no.1 and does not work for gain. Furthermore, it also appears that the applicant does not have responsibility of her children as the kids residing with Respondent no.1. In her affidavit, the applicant mentioned that she is having monthly expenses of Rs.30,000/-. The Respondent no.1 is having movable as well as immovable properties in his name and he earns Rs.3,000,00/- per month.

9) As the applicant is wife of the Respondent no.1, he is legally as well as morally responsible for the maintenance of her. The allegations made by the applicant against the respondent as to the violence committed by them are serious in nature. From the records, prima facie it appears that the applicant was subjected to domestic violence at the hands of respondent. Some of the allegations being serious in nature needs complete trial. At this stage it is also noteworthy that the applicant is not having responsibility of her children and the children are under the care and protection of respondent no.1. Considering the material on record and the fact that children of applicant are residing with Respondent no.1 and he is taking care of them, Rs.7000/- per month as maintenance of the applicant seems to me justified for her livelihood. Hence, I pass the following order;

ORDER

1. The application is partly allowed.
2. The respondents shall not commit any kind of violence against the applicant henceforth.
3. The respondent no.1 shall pay Rs.7,000/- per month to applicant as an interim maintenance from the date of filing the original application till final disposal of the present case.
4. No order as to additional compensation as prayed.
5. Copy of this order be given to the parties free of cost.

Date: 26/08/2025.
Place: Ichalkaranji.

Sd/-
(M.S. Gawade)
Judicial Magistrate First Class,
(Court No.5), Ichalkaranji.