

MHKO050045122024 	<u>Order Below Exh.4 in</u> <u>PWDVA Application No.76/2024.</u> <u>Pallavi Amitkumar Mane V/s. Amitkumar</u> <u>Shahaji Mane and Ors.</u>
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This is an application for interim maintenance filed by the applicant under Section 23 of Protection of Women from Domestic Violence Act, 2005.

2. Perused the application and say. Heard learned counsel for both the parties and perused material on record.

3. The relationship between the applicant and the respondent no.1 is not disputed. The applicant is the legally wedded wife of respondent No.1. After marriage she was subjected to acts of domestic violence by all respondents. The applicant has submitted in detail the acts constituting the domestic violence subjected to her by respondents. The applicant has submitted that she is residing separately due to said acts of the respondents.

4. The applicant further states that the respondent no.1 is serving in Maratha Light Infantry Regimental Band and getting handsome salary of Rs.45,000/- per month. Further the respondent No.1 gets pension monthly and also owns 7 Acre agricultural land. She states that respondent No.4 is working in hospital. Therefore, no one is dependent on the respondent No.1 besides her. On the other side the applicant has no source of income. Hence to meet her essential needs and day to day expenses until final verdict she has prayed for grant of interim maintenance of Rs.22,000/- (Rupees Twenty Two Thousand Only) per month.

5. The respondent No.1 has fairly admitted that he is working in Maratha Light Infantry Regimental Band and getting salary of Rs.45,000/- per month. He stated that he has borrowed two loans. Hence, there is deduction of two EMI i.e. of Rs.18,000/- and Rs.19,833/- per month. Therefore, meager amount remains for himself.

6. On perusal of record it appears that both the parties have filed their respective assets and liabilities affidavits at **Exh.16 and 20**. The respondent No.1 has fairly admitted in his assets and liabilities affidavit at **Exh.20** about his monthly income. It is important to note here that it is nowhere the case of the respondent No.1 that the applicant is earning. Further, he has not filed any document on record to show that the applicant is able to maintain herself.

7. It is important to note here that, it is the duty of the husband to maintain his wife. Hence, respondent no.1 cannot be escape from his obligation of husband. The allegation of violence made by applicant is matter of proof at the conclusion of trial. However, for daily living and subsistence it is necessary to grant interim maintenance to the applicant. Considering the pleadings, financial status and responsibility of the respondent No.1 I pass following order -

ORDER

1. Application is partly allowed.
2. The respondent No.1 is directed to pay interim maintenance @ of Rs.3500/- (Rupees Three Thousand and Five Hundred) per month to the applicant from the date of application.

(R. D. Kharate)

Date : 15/10/2025

Judicial Magistrate, F.C., Ichalkaranji.