

MHKO050049172025 	<u>Order Below Exh.4 in</u> <u>PWDVA Application No.118/2025.</u> <u>Sangita Bhauso Aadasule and Ors. V/s. Bhauso</u> <u>Bhiva Aadasule .</u>
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This is an application for interim maintenance filed by applicants under Section 23 of Protection of Women from Domestic Violence Act, 2005.

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

3. The relationship between the applicant No.1 and the respondent is not disputed. The applicant No.1 is the legally wedded wife of the respondent. Out of said wedlock the applicant No.2 Sudarshan was born to the couple. After marriage she was subjected to acts of domestic violence by the respondent. The applicant No.1 has submitted in detail acts constituting the domestic violence subjected to her by the respondent. The applicant No.1 has submitted that she is residing separately due to said acts of the respondent.

4. The applicant states that the respondent owns RCC building. Further he has one acre fertile land at Nimshirgaon, Tal.Shirol, Dist.Kolhapur, from which he yields annual income of Rs.10,00,000/-. He also has milchy animals from which he earns Rs.25,000/- per month. On the other side, applicants have no source of income. Hence, to meet their essential needs and day to day expenses until final verdict they have prayed for grant of interim maintenance of Rs.20,000/- (Rupees Twenty Thousand Only) each per month for themselves and Rs.5,000/- (Rupees Five Thousand Only) towards monthly rent.

5. The respondent has stated that due to financial scarcity the construction of building is incomplete. He further stated that he has 30 R land wherein he has dug borewell. Therefore, he has cultivated sugarcane only in half acre of land. But, denied that he is getting monthly Rs.25,000/- from milchy animals. He stated that the applicant No.1 is suppressing material facts and misleading the Court. As he has borrowed gold loan of Rs.48,000/- from Bharat Urban Co-operative Bank, Branch Jaysingpur, for educational purpose of the applicant No.2. On the other hand, the applicant No.1 is co-sharer in Gat No.236/8, area admeasuring 1 H. 46 R situated at Sajani, Tal.Hatkanangale, Dist.Kolhapur. Hence, she has source of income. He further stated that the applicant No.2 is 24 years old and working in Bank of India, Branch Ichalkaranji and getting handsome salary of Rs.18,000/- per month. Lastly, he stated that as applicants have left the matrimonial house as per their wish they are not entitled to maintenance from him. Hence, prayed to reject the application.

6. On perusal of record it appears that both the parties have filed their respective Assets and Liabilities affidavit at **Exh.8 and 12** on record. Though the applicant No-1 and the respondent have filed 7/12 extracts of landed properties standing in their names but, on perusal of the same does not disclose the actual income of the applicant No.1 and the respondent. Therefore, at this juncture it cannot be ascertained that the applicant No.1 is able to maintain herself.

7. Ld.Advocate for the respondent argued that the respondent has borrowed gold loan of Rs.48,000/- for education of the applicant No.2. However, at this juncture there is no evidence to show that said gold loan was utilized by the respondent for educational purpose of the applicant No.2. As it is the duty of the husband to maintain his wife. On

count of obtaining loan the respondent no.1 cannot be escaped from his obligation of husband. The allegation of violence made by the applicant No.1 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 No.1.

8. So far as the question of the applicant No.2 claiming maintenance from the respondent is concerned. It is pertinent to note here that, on perusal of the cause title of the application it appears that the applicant No.2, is 19 years old it means that he has attained majority. The scheme of Section 20 of the D.V. Act empowers the Magistrate to grant monetary relief to the aggrieved person and her children. In view of Section 2(b) Child means any person below the age of eighteen years and includes any adopted, step or foster child. This section clearly indicates that minor children who are dependent upon the aggrieved person can seek relief of maintenance. However, in the present case, the applicant No.2 is major and there is no material placed on record to show that he is suffering from any physical or mental disability or is incapable to maintain himself.

9. Ld.Advocate for the applicant argued that the maintenance is claimed by the applicant No.2 for his educational purpose. However, there is no documents on record to show that the applicant No.2 is presently pursuing education. Hence, in the present circumstances the applicant No.2 is not entitled to interim maintenance.

10. So far as the prayer of applicants for granting rent is considered. At this juncture there is no proof to show that the respondent No.1 has denied residence to applicants. Considering the pleadings, financial status and responsibility of the respondent, I am of the view that the applicant No.1 is entitled to interim maintenance. Hence, I pass

following order -

ORDER

1. Application is partly allowed.
2. The respondent shall refrain himself from committing or abetting any act of domestic violence to applicants.
3. The respondent is directed to pay interim maintenance @ of Rs.4500/- (Rupees Four Thousand and Five Hundred) per month to the applicant No.1 from the date of application.

Date : 13/03/2026.

(R. D. Kharate)
Judicial Magistrate, F.C., Ichalkaranji.