

MHKO050053232024 	Jinat Yasin Dhalait Vs. Yasin Hanif Dhalait P.W.D.V.A. No 85/2024
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ORDER BELOW EXH.4

The present application is made by the applicant under Sec.23 of the Protection of Women from Domestic Violence Act, 2005 ('DV Act') seeking interim maintenance from the respondents. The Respondent nos.1 has said to original application and to the present interim application at Exh.11.

2) Perused the application and heard Ld. Advocate for both the parties.

3) The applicant and Respondent no.1 got married on 25/03/2022 as per the Muslim traditions at Ichalkaranji, Tal.Hatkanangle, Dist.Kolhapur. The applicant and respondent no.1 have a son of one and half years old. It is submitted that the applicant was subjected to mental as well as physical harassment at the hands of respondents. The respondent committed acts of domestic violence against the applicant such as neglecting her food and medicine needs, defaming her in front of relatives, demanding money from the parents of applicant for his business, verbally abusing the applicant, dragging her out of the house, frequently demanding Talaq from her. The respondent no.1 on 23/03/2024 dragged the applicant out of the house. Since then the applicant no.1 and 2 are residing with her parents. She prayed for Rs.

15,000/- as an interim maintenance and Rs.1,00,000/- as a compensation.

4) The applicant placed on record copy of marriage register (Exh.3/1), Marriage Invitation Card (Exh.3/2), Photographs of marriage (Exh.3/3 to 3/7), copy of birth certificate of applicant no.2, etc. The applicant also placed on record affidavit of assets and liabilities at Exh.14.

5) The respondent no.1 appeared in the case and filed his say at Exh.11. Ld. Advocate for the respondent submitted that the allegations made by the applicant are false and baseless. It is admitted fact that the applicant and respondent no.1 got married on 25/03/2022. It is submitted that the applicant no.1 was forcing the respondent no.1 to live separately from his parents. It is also submitted that the applicant no.1 used to quarrel with the respondents on trivial matters and herself left her matrimonial house without any reason. The respondent no.1 filed his affidavit of assets and liabilities at Exh.20. He also filed his salary receipt at Exh.19/1.

6) The respondent also filed copy of application made to dispute resolution Muslim community praying for return of applicant to her matrimonial house at Exh.22/1. Ld. Advocate for the respondent submitted that the applicant is from financially stable and rich family comparing to the respondent. It is submitted that she is able to maintain herself and is having sufficient means. He also relied on following citation;

Ankit Saha Vs. State of U.P & Anr. [Cri. Rev. No.2487/2024], wherein the Hon'ble High Court held that if the applicant is guilty

of suppression of material facts of his/her case, it cannot be considered on merits. The litigant is bound to make full and true disclosure of facts.

7) On perusal of the material on record, it clears that the applicant no.1 and respondent no.1 are wife and husband. The applicant alleged that due to verbal abuse and demand of dowry by the respondents, she was forced to live separately from her in laws and now is residing with her parents. The applicant in her affidavit of assets and liabilities stated that she is completely dependent upon her parents for her livelihood. Moreover, the applicant no.2 is also dependent upon her.

8) Ld. Advocate for the respondent no.1 submitted that the applicant is able to look-after herself and is well educated. He also relied on above mentioned citation, wherein the wife suppressed fact of her job and monthly income from the Court and consequently the Hon'ble Court quashed order of granting her interim maintenance. The facts of citation referred and present case are different. In the present case nothing placed on record to show that the applicant no.1 is independent and earning sufficient income to support herself.

9) The respondent no.1 filed his affidavit of assets and liabilities at Exh.20. He stated in the affidavit that he earns Rs.7000/- per month and his parents are dependent upon him. It is also stated that he spent Rs.4000/- per month on rent. The applicant no.2 is residing with her mother and respondent no.1 does not have any responsibility of him. The respondent no.1 mentioned education qualification of applicant no.1 and stated that she is not earning

today and residing with her parents. To show that he is earning Rs.7000/- per month, the respondent no.1 also produced on record salary certificate issued by concerned proprietor where he works.

10) From the affidavits of both the parties on record, it appears that the applicant no.1 and 2 are dependent for their livelihood on the respondent no.1. The respondent no.1 by producing copy of application made to dispute resolution Muslim community showed his willingness to take responsibility of applicants. Moreover, from the contents of application regarding domestic violence by the respondents, I am of the view that the respondent no.1 being husband of applicant no.1 and father of applicant no.2 is under social, moral as well as legal liability to look-after them. In this way, the purpose of provision of interim maintenance also served.

11) The applicant in her application stated that the respondent no.1 is working at stationery shop and earns Rs.30,000/- to Rs.40,000/- per month. However, nothing produced on record which substantiate this claim. On the contrary the respondent no.1 stated in his affidavit that he earns Rs.7000/- per month. It is pertinent to note that the respondent no.1 deliberately avoided to provide his bank statements of last three years. The applicant is claiming Rs.15,000/- per month as an interim maintenance and Rs.1,00,000/- as a compensation. Considering the respondent no.1 as a common man having average income and he is bearing responsibility of his parents, in my view, amount of Rs.2000/- per month to the applicant would be sufficient. Therefore, considering the facts on record and submission made, 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.2,000/- (Two Thousand Only) per month to applicant no.1 as an interim maintenance from the date of filing the original application till final disposal of the case.
4. Copy of the order be given to the parties free of cost.

Date: 18/04/2026.
Place: Ichalkaranji.

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