

MHKO050055632025



Jyoti Sachin Ghavat

Vs.

Sachin Haridas Ghavat

P. W. D .V. A No. 140/2025

ORDER BELOW EXH.5

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 respondent. The Respondent appeared in the matter and filed his say at Exh.9.

2) Perused the application, say and heard Ld. Advocate for both sides.

3) Ld. Advocate for the applicant submitted that the applicant and Respondent got married on 26/03/2003 as per Hindu rites and traditions at respondent's house. They have son named Mayuresh and a daughter named Pranali. It is submitted that the applicant was subjected to mental, physical, sexual as well as verbal harassment by the respondent. The respondent committed acts of domestic violence against the applicant such as humiliating her due to her looks, cooking skills; committing sexual assault on her, beating her frequently, etc. It is also submitted that the respondent is an alcoholic person. The applicant also filed NC at Shivajinagar Police Station for offences punishable under Sec.115 (2), 352 of BNS.

4) Ld. Advocate for the applicant submitted that the respondent works as a rickshaw driver and earns rupees 30 to 35 thousand per month. He further submitted that the applicant being

her wife is dependent upon the respondent and needs financial help of Rs.15,000/- per month for her daily livelihood, medicine and other expenses. The applicant prayed for Rs. 15,000/- as an interim maintenance, Rs.10,00,000/- as a compensation for mental and physical harassment.

5) The applicant placed on record document's relating to marriage such as invitation card, etc. at (Exh.3/1 and 3/2) photographs of marriage (Exh.3/3), Copy of N.C.R no.0502/2025 (Exh.3/5), Copies of Aadhar Card of Applicant (Exh.3/6). The applicant also placed on record her affidavit of assets and liabilities at Exh.11.

6) The respondent appeared in the case and filed his say at Exh.9. The respondent denied all the contents in the application. Ld. Advocate for the respondent submitted that the respondent is a rickshaw driver and barely earns Rs.15,000/- per month. He submitted that the applicant is of not a good character and short tempered person. She herself started quarrels with the respondent over trivial matters. He submitted that responsibility of their children is completely on the respondent. He also produced on record school-collage fee receipts, affidavit of his assets and liabilities at Exh.14. He submitted that the application made without valid reason and to unnecessarily harass the respondent. Hence, prayed that the application be rejected.

7) On perusal of the application and considering submissions made, it appears that the applicant was subjected to physical, mental, sexual and verbal abuse by the respondent. The allegations made in the application are serious in nature. In the application she stated instances of sexual abuse by the respondent.

To support her allegation she even produced on record copy of NCR lodged by her against the respondent. From the submission by applicant as well as respondent it appears that the fact that applicant and respondent are married couple since 22 year's is not disputed.

8) Ld. Advocate for the respondent in his argument's submitted that the respondent did not commit any kind of violence against the applicant. He submitted that the respondent even purchased their new house in the name of applicant and the applicant herself left the house without any valid reason.

9) From the submission made, material on record I am of the view that prima facie case for domestic violence is made out by the applicant. Long duration of married life does not normalize domestic violence suffered over the time. If the dispute between husband and wife reaches to the police station and Court, it certainly shows some merit in the allegations made/seriousness of the matrimonial dispute.

10) Ld. Advocate for the respondent submitted that the respondent purchased new house in the name of applicant, which shows his love and affection towards the applicant and he certainly cannot commit any act of violence against her. However, in my view this submission is also not capable to dilute the gravity of allegations, as human behavior at certain point of time and it's intricacies cannot be predicted. Merits in the allegation will certainly be adjudicated during the trial. For now I am of the view that prima facie the applicant is suffered from domestic violence by the respondent and as per the provision under Sec.23 of the

Protection of Women from Domestic Violence Act, she is entitled for interim maintenance.

11) The applicant and respondent filed their affidavits of assets and liabilities at Exh.11 and 14 respectively. On perusal of the affidavit of applicant it appears that she is currently residing with her mother and also works as a labour and earns Rs.1500/- per month. On perusal of the affidavit of respondent it appears that he is working as a rickshaw driver and earns Rs.12,000/- to 15,000/- per month. It is pertinent to note that the respondent in his affidavit mentioned that his monthly expenses is of Rs.15,000/- and expenses of his children is also of Rs.15,000/- per month. The income of the respondent and his expenses does not make a logical sense. Moreover, he also mentioned in his affidavit that he is under liability of home loan, installment of which are to be paid at the rate of Rs.22,000/- per month.

12) Considering material on record, the object of granting interim maintenance, the basic needs of the applicant, liability and responsibility of children on the respondent and independent source of earning to the applicant, I am of the view that Rs.3000/- per month from the respondent would be a sufficient amount as an interim relief to the applicant. Hence, I pass the following order;

ORDER

1. The application is partly allowed.
2. The respondent shall not commit any kind of violence against the applicant henceforth.
3. The respondent shall pay Rs.3,000/- (Three Thousand Only) per month to applicant 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: 12/03/2026.
Place: Ichalkaranji.

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