


MHKO070010722025 	<u>P.W.D.V.A.No.20/2025</u>  Kavita Ganesh Ubale and others Vs. Ganesh Babu Ubale and others
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**ORDER BELOW EXH. NO.05**

The present application is filed by the applicants for interim maintenance u/s.23 of the Protection of Woman from Domestic Violence Act, 2005 (for brevity called as "Act"). Applicant No.1 and 2 are the wife and son of opponent no.1. Applicants has prayed for interim maintenance from the opponents.

**02.** Read the application. As per Exh.6 notice served to the opponents but they are not appeared hence as per order below Exh.1 dated 04/08/2025 the matter is proceeded ex-parte against the opponents.

**03.** Applicants submitted and the Ld. Advocate for the applicants argued that, applicants has subjected with the physical and mental cruelty by the opponents on the grounds mentioned in the application. The applicants has driven out by the opponents from matrimonial house without any reasonable cause. Opponents has not look after to the applicants. Applicants and her family members had tried to convince the opponents, but opponent no.1 has not cohabited with the applicants. The opponents has not made any arrangement of the livelihood of the applicants. Applicants has no any source of income and applicants are unable to maintain themselves. Opponent no.1 has source of income as pleaded in the application. For that reason

applicants prayed for allowing the present interim application.

**04.** It is the contention of the applicants that, the applicant No.1 married with the opponent No.1. Applicant No.2 is the son of applicant No.1 and opponent No.1. Applicants submitted that, after solemnization of marriage applicant was cohabited with the opponent no.1 for initial period and at present applicant reside at her paternal house. Applicants has made allegations against the opponents about their marital responsibilities and duties. Considering the allegations of the applicants, it needs to take evidence on record. But, at this stage it would not be just and proper to go into the merit of the case. It is no doubt that, there is a matrimonial dispute arises between applicant and opponent no.1. The applicants in their application contended that, applicant was subjected with the economical, physical and mental cruelty as pleaded in the application. This fact needs to be proved on the basis of evidence. Applicants are claiming that, they are tried to made the attempts for cohabitation. But at this stage, applicants has not produced any reliable evidence on record to that effect. Applicants has filed the present application on 15/05/2025. During the mean time, opponent no.1 has not made any arrangement for their food and cloths and other daily requirements. It is the responsibility of the opponent no.1 to maintain the applicants and provide basic necessity of them.

**05.** Considering the stage of the matter, it will be improper to go into the merit of the case. The affidavit of the applicant prima facie support the case of the applicant. Applicant has filed her asset and liability affidavit in support of their contention. Domestic incident report is in the record. It is very important note that, inspite of service of notice opponents not appeared in the present matter and contested

the present application. Service of notice reveals that, the opponents has the knowledge of pleading of the applicant. Opponents has not declined the facts stated adverse to them. Hence, there are prima-facie grounds to believe that the opponents has committed the domestic violence with the applicants.

06. Applicants has not filed the relevant documents regarding to the exact income of the opponent No.1. On perusal of only 7/12 extract of the agricultural land it can not be concluded about the exact income of the said person. Considering the living standard of the parties and basic needs of the applicants and the fact of not denying the contention in the application it would be just and proper to provide the interim maintenance to the applicants. As it is the duty of the opponent No.1 to maintain the applicants the opponent No.2 and 3 can not be directed to maintain the applicants. On perusing the documents filed by the applicants at this stage it also can not be concluded regarding to the mode of acquisition of the properties i.e. self or ancestral. Hence, the present application needs to be partly allowed. Hence, the following order -

### **ORDER**

- 1] Application is partly allowed.
- 2] Opponent No.1 hereby directed to pay the interim maintenance of Rs.3,000/- (Rs.Three Thousand Only) to the applicant No.1 and Rs.2,000/- (Rs.Two Thousand Only) to the applicant No.2 respectively per month from the date of application till the final decision.
- 3] Opponents are hereby directed not to commit any act of

violence with the applicants.

- 4] The police station officer of concerned police station are hereby directed to take effective steps for the implementation of order as stated in para 3 of the operative part.
- 5] The prayer which is not granted be taken as rejected.
- 6] The copy of the present order be given free of costs to the applicant.
- 7] Parties to take note accordingly.

Date:- 16/10/2025

**(A. T. Mangire)**  
Judicial Magistrate First Class, Court No.1,  
Jaysingpur, Tal.Shirol, Dist.Kolhapur

I affirm that the contents of this P.D.F. file Judgment/Order are same, word to word, as per the original Judgment/Order.

Name of the Stenographer	Sou. P. S. Musale
Name of Court	Jt.C.J.J.D.& J.M.F.C., Jaysingpur.
Date of Dictation.	16/10/2025.
Judgment/order signed by the PO on	16/10/2025.
Judgment/order uploaded on	16/10/2025.