


MHKO070019752024 	<b>P.W.D.VA.No.42/2024</b>  Pooja Sunny Kamble (Before marriage- Pooja Babu Mohite) and another  Vs.  Sunny Bhimrao Kamble and another
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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 & 2 are the wife and daughter of opponent no.1 respectively. Applicants has prayed for interim maintenance from the opponents.

2. Read the application. Also, read the say filed by the opponents. Heard the Ld. Advocate for the applicants. Read the order passed below Exh.5 dated 31/01/2026. Read Exh.17. That order is not complied by the opponents.

3. Applicants submitted that, applicant has subjected with the physical, economical 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. Applicant and their family members had tried to convince the opponents, but opponent no.1 has not cohabited with the applicant. The opponents has not made any arrangement of the livelihood of the applicants. Applicants has no any source of income and applicant no.1 is unable to maintain themselves. Opponent no.1 is a contractor and farmer. Opponent no.1

has source of income as pleaded in the application. For that reason applicants prayed for allowing the present interim application.

4. Per contra, opponents submitted in the say that, applicants has no any locus-standi to file present application against the opponents. The present application is based on the vague allegations. Applicant no.1 herself has left the matrimonial house. Opponents and their family members tried to convince the applicant for cohabitation, but she denied for the same. Opponent no.1 further submitted that, applicant has not fulfilled her marital responsibilities and duties. Opponent no.1 has not subjected to the applicant with any kind of cruelty. Hence, prayed for rejection of application.

5. Admittedly, marriage of the applicant no.1 and opponent no.1 was solemnized. It is also admitted that, after solemnization of marriage applicant no.1 was cohabited with the opponent no.1 for initial period and at present applicants reside at her paternal house. It is also admitted that, applicant no.2 is the daughter of applicant no.1 and opponent no.1. Both the parties have made allegations against each other about their marital responsibilities and duties. Considering the allegations of both the parties, 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 and both were resides separately. The applicants in their application contended that, applicant no.1 was subjected with the physical, economical and mental cruelty as pleaded in the application. This fact needs to be proved on the basis of evidence. Both the parties are claiming that, they are tried to made the attempts for cohabitation. But at this stage, none of the parties have produced

any reliable evidence on record to that effect. The applicants are residing at their paternal house. She has filed the present application on 16/08/2024. 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. Applicant has not produced documentary evidence about the exact income of opponent no.1.

6. Considering the stage of the matter, it will be improper to go into the merit of the case. The applicant no.1 has filed her affidavit in support of the application. Applicant no.1 has filed her asset and liability affidavit in support of her application. Domestic incident report is on the record. Read the order passed below Exh.5 dated 31/01/2026. Read Exh.17. That order is not complied by the opponents. Hence, there are prima-facie grounds to believe that the opponent no.1 has committed the domestic violence with the applicant. Being the husband and father of the applicants, opponent no.1 is bound to maintain the applicants and satisfy their daily basic needs. As opponent No.1 has not filed his assets and liability affidavit the adverse inference can be drawn against the opponent No.1. Opponent No.1 has given sufficient time to file assets and liability affidavit, but he failed to file it on record. Hence, it reveals that opponent no.1 has sufficient means to maintain the applicants. In such circumstances, it would be just and proper to grant the interim maintenance to the applicants for their basic livelihood. Considering the living standard of both the parties and basic needs of the applicants, it would be just and proper to provide interim maintenance to the applicants. As it is the duty of the opponent no.1 to maintain the applicants. Hence, opponent No.2 to 4 cannot be directed to maintain the applicants. Applicants has not produced on record any

document in relation to the expenses of independent household. Applicants has not produced on record any document in relation to the alleged medical requirements. On perusing the documents filed by the applicants at this stage it can not be concluded regarding to the mode of acquisition of the property i.e.self or ancestral. Along with this applicants has not filed on record the documents in relation of the same. Hence applicant is not entitled for the said relief. Hence, the present application needs to be partly allowed. Hence, the following order.

### **ORDER**

- 1] Application is partly allowed.
- 2] Opponent no.1 is directed to pay interim maintenance of Rs.3500/- [Rs.Three Thousand Five Hundred] to the applicant no.1 and Rs.2000/- [Rs. Two Thousand] to the applicant no.2 per month from the date of application till the final decision of main application.
- 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 copy of the present order be given free of costs to the applicants.

- 6] The prayer which is not granted be taken as rejected.
- 7] Parties to take note accordingly.

Date:- 09/02/2026

**(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.	09/02/2026.
Judgment/order signed by the PO on	09/02/2026.
Judgment/order uploaded on	09/02/2026.