

MHKO100003512023

**P.W.D.VA. NO. 11/2023**

Shweta Suraj Jadhav.  
//Vs//  
Suraj Ramchandra Jadhav & Ors.

**ORDER BELOW EXHIBIT NO. 44**

Present application is filed by applicant for enhancement of interim maintenance amount of Rs.5,000/- to Rs.65,000/- per month against the opponent no.1.

02. It is stated in this application that, she got married with opponent No.1 on dated 03/03/2016 and their marriage was registered on dated 09/03/2018 before registrar of Pimpri-Chinchwad Municipal Corporation, Pune. But, in present case it is defence of opponent no.1 that, applicant is not her legally wedded wife. He is unmarried and for such type of declaration, he has filed a Civil Suit no.850/2023 before the Civil Judge, Jr. Dvn. Belgaon, which is still pending.

03. It is further stated that, in present case interim application has filed, which was decided on dated 06/06/2024. Opponent no.1 had stated that, he has no source of income. He is working as a computer operator and earning Rs.9,300/- per month only. On the basis of that, interim maintenance amount has been decided by this Court and passed Rs.5,000/- per month interim maintenance order in her favour from the date of filing main application.

04. Opponent no.1 has suppressed material facts about his income from this Court at time of deciding the interim

application. As well as filed false affidavit in respect of assets and liability in this Court. Applicant has received material information about the income and financial capacity of opponent no.1 under the Right to Information Act. The relevant documents have been filed by applicant with list Exh.34 on record. The documents with list in serial No.10 to 14 are very important, which shows the marital status of opponent no.1 and his financial capacity. List Exh.43 is also important information received in RTI Act about the gross income of opponent no.1. This information is received from the income tax office of Pune. It shows that, in year 2023-24 gross income of opponent no.1 was Rs.15,30,419/- per year and in year 2024-25 his gross salary has increased upto Rs.18,64,340/-. The form filed before the Pimpri-Chinchwad Municipal Corporation by opponent no.1. He has stated his occupation as service in Barclays Global Service Center, Kharadi, Pune. But, in present case he has suppressed this material facts from this Court in his say. Therefore, this is a material change of circumstances in present case.

05. This Court has decided interim application vide Exh.5 on dated 06/06/2024 on the basis of material placed on record by the both sides. Subsequently, applicant has received the material facts regarding the income source of opponent no.1 under the RTI Act. Now, on the basis of income earned by the opponent no.1 interim maintenance amount needs to be enhanced. Because, applicant is entitled for the equal status like opponent no.1. It is further stated in this application that,

opponent no.2 is a retired government servant, who received Rs.30,000/- pension per month. Opponent no.4 is doing his own business and there is no responsibility over the opponent no.1 except applicant being his legally wedded wife. Therefore, under the provision of Section 25 of the Domestic Violence Act, gives power to Court to alter, modify and cancel any order passed in this Act on the basis of material changes of circumstances subject to satisfaction of Court.

06. Here in present case it is admitted fact that, interim maintenance order has been passed in favour of applicant on dated 06/06/2024, which was Rs.5,000/- per month on the basis of material placed on record by the parties. Now, applicant has produced suppressed material facts by opponent no.1 before this Court, which she has received under the RTI Act with list Exh.34 and 43. This is a change of circumstances. Considering this documents, Court can enhance an interim maintenance amount from Rs.5,000/- to Rs.65,000/- per month. In addition, she has also prayed to grant house allowance of Rs.5,000/- per month as a rent from the opponent no.1 and prayed to allow the application.

07. In support of this application Ld. Advocate of applicant has relied upon the case law of *Prakash Eknath Dheple Vs. Vithabai Prakash Dheple & Ors.* In this case Hon'ble High Court of Bombay, Bench Aurangabad held that, to impose interest on an amount of maintenance in every case. The Ld. Advocate of applicant argued that, in present case interim maintenance order has been passed in favour of applicant on

dated 06/06/2024 from the date of filing main application. The outstanding amount is more than Rs.1,00,000/-. Therefore, on the outstanding interim maintenance amount as per the observation given in *Prakash Dheple* (supra) case, interest has to be imposed on the outstanding amount.

08. On the other side, opponent no.1 has strongly opposed to this application and filed his say at Exh.49. He has declined every facts stated in this application. It is his stand that, applicant is not her legally wedded wife. Therefore, no question is arise to pay interim maintenance to her. Through this application, applicant has sought enhancement in the amount of interim maintenance, which is totally illegal. This application is not maintainable because there is no change in circumstances. In present case and in such circumstances this application is deserve for rejection.

09. On the contrary, applicant has supplied false information in her assets and liabilities affidavit vide Exh.6 on record. Therefore, this main application is required to reject. In instant application, applicant has not disclosed the grounds, why has she required enhancement in interim maintenance amount ? She did not disclose her essential needs, expenditures in this application. The living standard of opponent no.1 is not changed as on today. In such circumstances, applicant cannot move such type of application for enhancement of interim maintenance granted in her favour by this Court. On the contrary, the financial capacity of applicant parents are very sound. Therefore, she does not required any interim maintenance from

opponent no.1. Only to harass the opponent and his family, this main application has filed. Ultimately, it is stated that, there is no change in circumstances during the pendency of trial. It is also stated that, applicant is living with her parents. Therefore, she is not entitled to claim any house allowance from him. Therefore, this application is not maintainable and prayed for rejection.

10. Considering the rival contentions of both sides. Following points are arises in my mind upon which I give my findings with following reasons as under-

<b>Sr. No.</b>	<b>POINTS</b>	<b>FINDINGS</b>
01.	Does the applicant prove that, there is change of circumstances during the pendency of trial ?	Yes.
02.	Does the applicant entitled for enhancement of maintenance amount from opponent no.1 as she claimed ?	Partly Yes.
03.	Does the applicant entitled for interim house allowance from opponent no.1 as she claimed ?	No.
04.	What order	As per final order.

### **REASONS**

#### **AS TO POINT NO.1 AND 2**

11. This application has filed for enhancement of interim maintenance amount granted in favour of applicant of Rs.5,000/- to Rs.65,000/- per month. It is a stand of applicant that, material information regarding the financial capacity and

gross income of opponent no.1 has been suppressed by him in his assets and liabilities affidavit from this Court during the hearing of interim application vide Exh.5. On the basis of material placed on record this Court has passed interim order of Rs.5,000/- per month in her favour.

12. Now, she has received material information under the RTI Act about the opponent no.1 occupation and his income. This is a ground to file this enhancement of interim maintenance application before this Court. In support of her contention, she has placed on record the documents with list Exh.34 and 43. On the contrary, opponent no.1 has not stated about the information regarding his financial capacity and the income. He has just taken stand that, applicant is not his legally wedded wife and there is no change in circumstances to move such type of application.

13. In present case, there is an allegation of Domestic Violence of applicant against the opponents. During the pendency of trial, she had filed an interim maintenance application vide Exh.5 and it was decided by my predecessor on the basis of material placed on record by both side and finally awarded Rs.5,000/- per month interim maintenance order in favour of applicant. At that time, applicant has no information regarding the income of opponent no.1. Therefore, she did not take any steps. Under the DV Act, Section 25 gives power to aggrieved person or respondent to apply to Court for alteration, modification and cancellation of any order passed by the Court. If, Court will satisfy then it can change its own order on the

basis of change of circumstances. Here, in present case in hand applicant has moved this application under above said section and said that, there is a change of circumstances about the source of income of opponent no.1. She has filed material documentary proof about his earning. I have gone through the documents placed on record with list Exh.34 and 43, it shows that, there is a flat at Pune in joint ownership of applicant and opponent no.1. There is a marriage registration form where it is stated that, opponent no.1 occupation is service and he is doing a job in private company situated at Pune and he received handsome salary of Rs.15 to 18 lac per year. This information is called change of circumstances in present case. This information was not available, when Exh.5 application was decided by this Court. Therefore, considering the source of income of opponent no.1 and standard of living of opponent no.1, I am of the opinion that, applicant being a prima facie legally wedded wife of him, she has equal right to maintain herself at that level. Therefore, formal order of interim maintenance amount ought to be enhanced. But, that amount should be just and reasonable. Here, applicant has demanded Rs.65,000/- per month interim maintenance amount. But, she did not disclose her requirement of that much amount only because opponent no.1 has received handsome salary does not mean that, applicant can claim unreasonable amount from him as an interim maintenance amount. It is a burden on applicant to show that, how much amount is required to fulfill her expenditure, essential needs ? Here in present case she did not say anything about her requirement. In such circumstances I am of the opinion that, out

of Rs.65,000/- enhancement amount should be upto Rs.10,000/- per month.

14. Now, come to the point for discussion on the authority filed by applicant advocate in support of his argument. I have gone through the (supra) case of Prakash. It was a revision filed by the original opponent against the original applicant for cancellation of maintenance amount under Section 127 of the Cr.P.C. because as per his allegation original applicant has suppressed her source of income from the court. But, the Hon'ble High Court in revision has rejected his plea and directed to pay monthly maintenance amount imposed by Trial Court with interest. It was the directions of Revision Court that, every maintenance amount should be paid along with an interest. Here, this present case has been filed under Domestic Violence Act and matter is pending on enhancement of interim maintenance amount application. Trial is yet to be started. Therefore, the facts of present case is totally different from the supra case law. Therefore, it is my humble opinion that, this case is not assist to applicant.

15. From the above discussion I hold that, applicant has successfully placed on record the material with change the circumstances and give right to claim enhancement of interim maintenance amount from the opponent no.1. Therefore, she has proved the change of circumstances against the opponent no.1. It gives entitlement for enhancement of interim maintenance. In result, I answer point no.1 in 'affirmative' and point no.2 in 'partly affirmative'.

**AS TO POINT NO. 3 AND 4**

16. In instant application, applicant has claimed additional interim house allowance from the opponent no.1. But, in her application and main application filed under Section 12 of the D.V.Act she has stated that, she is living with her parents. Therefore, I am of the opinion that, if she is living with her parents then at this juncture she is not entitled to claim any interim house allowance from opponent no.1. Hence, with above reason I answer point no.3 in 'negative' and for point no.4 pass following order;

**-: ORDER :-**

01. This application is hereby partly allowed.
02. The opponent no.1 is hereby directed to pay enhancement of interim maintenance amount of **Rs.10,000/- (Rupees Ten Thousand Only)** per month to applicant from the date of this order.

(Dictated and pronounced in open Court)

Gadhinglaj.  
Date: 17/09/2025.

**( S. D. Mehta )**  
Judicial Magistrate First Class,  
Court No.1, Gadhinglaj.