

MHKO120006522023



Order below Ex.5.
(Passed on 07.08.2025)

The present application is filed by the applicant for interim maintenance from non-applicant no.1. Perused application and say below Exh. 14. The marital relations between the applicant and non-applicant no.1 is not disputed. According to the applicant she is residing with her children at her parental house on mercy of her parents. The non-applicants have harassed physically and mentally to her. Non-applicant no. 1 has neglected to look after her needs. This compelled her to live in her parental house at Madur, Tal. Bhudargad, Dist. Kolhapur. Per contra, as per the non-applicant no.1, the allegations made by the applicant are false and imaginary. According to him, She is voluntary residing at her parental house. He denied all contentions. He submitted to reject the application.

2] I consider submissions of both advocates. The application of the applicant is supported with affidavit. It indeed shows the domestic violence in the form of mental and physical harassment. The applicant prima-facie shows the incident of domestic violence. Otherwise, there would be no reason for applicant to reside with her parents. No married woman can live in her parental house without any justifiable reason. Therefore, the applicant has prima-facie proved the domestic violence at the hands of the non-applicant no.1 and other non-applicants.

3] No doubt, the allegations of the parties will be proved at the stage of evidence. Rather it requires the evidence. Now, at this stage applicant is residing at Madur, Tal. Bhudargad, Dist. Kolhapur. According to the non-applicant no.1, financial condition of applicant no. 1 is well sound. She is working as a tailoring trainer at Gargoti and she is earning Rs.

15,000/- per month from it. She got the school tender for purpose of supply of food and she is earning Rs. 8,000/- p.m. from it. Therefore, She doesn't require maintenance. Per contra, as per the applicant, non-applicant no.1 is having house and agricultural property. He is doing job in hotel as a Cook and earning Rs. 30,000/- p.m. handsome salary. Non-applicants have a business of chicken and milk and earning Rs. 40,000/-. They have earning Rs. 15,000/- from rent.

4] The Hon'ble Supreme Court in the case **Rajesh Vs. Neha Criminal Appeal No.730 OF 2020 (Arising out of SLP (Crl.) No. 9503 of 2018) decided on 04.11.2020** has given following directions ;

“(a) The Affidavit of Disclosure of Assets and Liabilities annexed at Enclosures I, II and III of this judgment, as may be applicable, shall be filed by the parties in all maintenance proceedings, including pending proceedings before the concerned Family Court / District Court / Magistrates Court, as the case may be, throughout the country;

(b) The applicant making the claim for maintenance will be required to file a concise application accompanied with the Affidavit of Disclosure of Assets;

(c) The respondent must submit the reply along with the Affidavit of Disclosure within a maximum period of four weeks. The Courts may not grant more than two opportunities for submission of the Affidavit of Disclosure of Assets and Liabilities to the respondent. If the respondent delays in filing the reply with the Affidavit, and seeks more than two adjournments for this purpose, the Court may consider exercising the power to strike off the defence of the respondent, if the conduct is found to be willful and contumacious in delaying the proceedings. On the failure to file the Affidavit within the prescribed time, the Family Court may proceed to decide the application for maintenance on basis of the Affidavit filed by the applicant and the pleadings on record.”

5] In view of judgment of **Rajesh Vs. Neha** (supra), as per direction of the court applicant and non-applicant No. 1 have filed affidavit

of disclosure of assets and liabilities at Exh. 12 and 15.

6] I consider submissions of both advocates in this regard. I have gone through the record. The affidavit of non-applicant no. 1 shows that his education qualification is 9th standard. He is having made income of Rs. 9,000/- . He is doing job as waiter. His total expenses is Rs. 8,000/- Per month. On the contrary the affidavit of applicant shows that her and her children monthly expenses is Rs. 15,000/-. She is having no income source. She is living on mercy of her parents. I have gone through the affidavit of assets and liabilities of both parties. Applicant has no source of income. On the contrary, Non-applicant no. 1 is doing job of cook. Thus, considering the standard of living of both parties, current inflation and other circumstances, I think total amount of Rs. 5,000/- p.m. for applicant as interim maintenance would suffice her for her livelihood from the date of application to till the final decision of the case. Thus, in the result, I pass following order.

: ORDER :

- 1) The application is partly allowed.
- 2) Non-applicant no. 1 is hereby directed to pay Rs. 3,000/- (Rs. Three Thousand only) per month to applicant no. 1 and Rs. 1,000/- (One Thousand Only) each to applicant nos. 2 and 3 from date of application to till the final decision of this application.
- 3) The application is disposed off.

Place : Gargoti.
Date: 07/08/2025.

(N. D. Rudrabhate)
Judicial Magistrate First Class,
Gargoti, Dist. Kolhapur