


<p>MHKO150005402023</p> 	<p style="text-align: center;"><b><u>Order passed below Exh. 1 in</u></b> <b><u>P.W.D.V.A. No. 17/2023</u></b></p> <p style="text-align: center;">Kajal Jagtap vs. Pramod Jagtap etc. 3</p>
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The applicant prayed for the interim maintenance u/sec. 23 of Domestic Violence Act 2005.

2. According to applicant, applicant is wife of respondent no.1. The respondent no. 2 and 3 are relative of respondent no. 1. The marriage of applicant and respondent no. 1 solemnized on 06/06/2021. After marriage, applicant resided with respondents in their family. After some time of marriage, respondents have mentally tortured to the applicant and started ill treatment to applicant. The respondent gave mental and physical cruelty and deserted to applicant.

3. Thereafter, applicant has resided with parent house of applicant. The respondents have made false allegation against the applicant. The respondent not willing for cohabiting with applicant. Therefore, she has no option but to file this case against the respondents.

4. The applicant has no any income source and the respondents are neglected her. Other hand, the respondents are sufficient income from hotel business. She lastly prayed for interim maintenance.

5. The respondents have filed their say at Exh 6. The respondents have denied all allegation and prayer of applicant. They have admitted relationship. According to them, the applicant has after marriage only some time resided with them. Thereafter, applicant is not willing to reside with respondents. She resided at parental house on her own accord. Respondents have denied the domestic violence, physical and mental cruelty to the applicant. They denied income source and lastly prayed for reject the application.

6. Heard learned advocate for the both parties. The following points are arises for my determination and I have given my findings thereon with reasons are as fallows-

<b>Sr. No.</b>	<b>Points</b>	<b>Findings</b>
1	Whether applicant has prima-facie discloses that, the respondents committed an act of domestic violence?	Yes
2	Whether respondents neglected and refused to maintain applicant?	Yes
3	Do the applicant prima-facie prove that, she has unable to maintain herself ?	Yes
4	What order?	As per final order

**Reasons.**

7. The respondent admitted the relationship. On that background I hold that, the applicant has proved domestic relationship with respondents.

8. For the relief under section 18 to 20, 22 and 23 of D.V. Act, it is necessary to disclose in application that respondent committed an act of domestic violence. In this case, the applicant has filed application with supported affidavit of applicant and pleaded the incidents committed after marriage. On perusing the application, it reveals that after the marriage the respondent started ill treatment to applicant and mental cruelty. The applicant filed her affidavit for supporting the contention. The report of protection officer also shows the incidents about the ill-treatment. Other hand, the respondents denied the allegation. On these circumstances, the application of applicant prima-facie discloses that, the respondents are committed an act of domestic violence.

9. In view of domestic violence mentioned in application it is prima-facie established that, applicant has expelled out from the house of respondent due to ill treatment. The affidavit of applicant prima-facie established that, the applicant resided separately because of domestic violence. On that background prime facie it comes on record that, the respondents have neglected and refused to maintain applicant.

10. The applicant mentioned in her application sources of respondent's income. The applicant pleaded that, the respondent no. 1 is doing hotel business. The respondent no. 1 is young person. He is doing hotel business. The respondent no. 1 has filed affidavit stating that, he has doing job and his salary is Rs. 30,000/- per month. On that background I hold that, the respondent no. 1 has sufficient income to maintain the applicant.

11. It is admitted that, respondent no. 2 and 3 are relative of respondent no. 1. There is no justification for directing relative of the respondent no. 1 to pay amount. Once the respondent no. 1 marries and earning the burden of his wife cannot be put on the shoulders of his relatives. On these circumstances, the husband of applicant that is respondent no. 1 is liable to pay maintenance, but respondent no. 2 and 3 that is relative of respondent no. 1 are not responsibility of applicant. Therefore, at this stage, they are not justified for directing to pay maintenance amount.

12. On the all above discussion I hold that, the application of applicant prima-facie discloses that, the respondents are committed act of domestic violence and the respondents are neglected and refused to maintain applicant. The applicant is unable to maintain herself.

13. Considering the income source of respondent no. 1 and the living standard of applicant and respondent no. 1 and the regular hike in costs of essential commodities and medical expenses, minimum requirement for living a life with dignity in my opinion, maintenance amount of Rs. 8,000/- per month will be sufficient for applicant with these reasons, I answer point no. 1 to 3 in the affirmative and pass following order in point no. 4,

### **Order**

1. The application is partly allowed.

2. The respondent no. 1 do pay Rs. 8,000/- (Rs. Eight Thousand only) per month to applicant as monthly interim maintenance allowance from the date of main application that is 02/11/2023 till disposal of present proceeding.
3. The respondent no. 1 do pay Rs. 2,000/- (Rs. Two thousand only) for expenses of this application.
4. The application against the respondent no. 2 and 3 is rejected.
5. One copy of this order be delivered to the applicant free of cost.

Date :- 03/05/2024.

( S. P. Jadhav )  
Judicial Magistrate F.C. Ajara.