

ORDER BELOW EXH. 5

Heard Smt R. S. Sonkamble Ld. Advocate for the applicant. Read the application filed under section 23 of Protection of Women Against Domestic Violence Act 2005 and affidavit filed in support of the application for interim relief. Perused the documents filed along with the application.

2. As per the submission of Ld. Advocate of applicant's, applicants are apprehending that non-applicants will throw them out of the house bearing Municipal Council No. 5-1-204/1(old), 5-1-235/1(new) situated at Udgir and therefore specifically prayed to grant ex-parte ad interim relief that they shall not be thrown out of their house.

3. As per section 23 of Protection of Women Against Domestic Violence Act 2005, if the magistrate is satisfied that an application prima facie discloses that the non-applicants are committing or has committed an act of domestic violence then he may grant ex-parte order on the basis of affidavit in the prescribed form of the aggrieved person.

4. After perusal of affidavit of applicant no.1 and documents filed along with the application it prima facie appears that, applicant no.1 is wife and applicant no.2 is son of non-applicant no.1. Property mentioned in the application also appears to be in the name of non-applicant no.1 i.e. Udhav Sontakke.

Therefore, prima facie it appears that applicants are residing with the non-applicants and they are apprehended that they will be thrown out of the house. Therefore, considering the emergent situation it would be appropriate to grant them ad interim protection from the non-applicants. Hence, following order-

ORDER

1. Non-applicants are hereby restrained from dispossessing applicants from the shared house i.e. Municipal Council No. 5-1-204/1(old), 5-1-235/1(new) situated at Udgir till next date.
2. Issue show cause notice to the non-applicants as to why interim reliefs as prayed should not be granted. Returnable on 21.11.2022.
3. Hamdast allowed.

Date : 01/11/2022
Place : Udgir

Sd/-
(**N. J. Chavan**)
Judicial Magistrate F.C.,Udgir
(Court No.3)