



PWDVA Appln No.1/2021  
**Sow Puja w/o Khandu Bhalekar Vs. Khandu Chandrabhan  
Bhalekar**  
MHLA130001452021

**ORDER BELOW EXH. 11**

1. Perused the application, say of respondent No. (Exh.14). Respondent No. 2 to 4 have failed to file say to the application. Heard learned Advocates for the applicant and the respondents.
2. The present application is filed by applicant u/s.23 of protection of Women from Domestic Violence Act, 2005 (in short 'the Act') for protection order, interim maintenance and residence order. It is the contention of applicant that, she was subjected to domestic violence by the respondents. Respondent No.1 being her husband having sufficient means, neglects to maintain her. She has claimed Rs.15000/- towards monthly maintenance and also prayed for alternate accommodation or monthly rent Rs.5000/- along with the protection order.
3. Respondent No.1 has denied all the allegations against him. He prayed for rejection of interim application. Respondent No.1 has leveled several allegations against applicant. He also contended that, applicant has left the matrimonial home by her own will to force respondent to live with her at her parental home. It is submitted that, respondent No.1 has never neglected or refused to maintain the applicant. He is also willing to accept the applicant back to his company. He has made all the efforts to bring the applicant back.
4. Considering nature of application (Exh.11), this is not the stage to decide any of the issue on merit nor also to go deep into proof of rival allegations. Thus, following points arise for my determination and I have recorded findings thereon for reasons thereunder:-

Sr.No	Points	Findings
1	Whether applicant prima facie proves that she was subjected to domestic violence by the respondents?	....Yes
2	Whether applicant is entitled for interim maintenance from respondent No.1? If yes, what amount?	..Yes, as to the amount of Rs. 3000/- only.
3	Whether the applicant is entitled for interim protection order?	...Yes.
4	Whether the applicant is entitled to interim residence order as prayed?	To be decided with main petition.
5	What order?	..As per final order

### **REASONS**

5. Admittedly, applicant is wife of respondent No.1. Respondent No.2 to 4 are in-laws of applicant. Domestic relationship is not in dispute. It is also not in dispute that, the applicant is residing at parental home at Pohregaoon, Tq. Renapur, Dist. Latur

#### **As to Point No. 1:-**

6. Applicant has stated various instances of domestic violence regarding physical and mental abuse, economic abuses etc, which are supported by an affidavit. All allegations have been denied by respondent No.1. Sec. 23 of the Act does not require proof of domestic violence in order to grant interim reliefs. The allegations mentioned in the application supported by an affidavit are enough to attract Sec. 23 of the Act. The case of the applicant *prima-facie* discloses that domestic violence has been committed against applicant by the respondent. Hence, point No. 01 is answered in affirmative.

**As to Points No. 2.**

7. As to entitlement : Respondent No.1 being husband of applicant, is liable to maintain them. It is not the case of respondent no.1 that he his providing any financial support to the applicant. It is also not his case that, the applicant has any income source. As it is *prima-facie* prove that, applicant was subjected to domestic violence, She is entitled for interim maintenance.

8. As to quantum of interim maintenance: Applicant No. 1 prayed for Rs.15,000/- per month towards interim maintenance. She has produced on record her affidavit of assets and liabilities (Exh.16). She submitted that, respondent No.1 is working the private company and earning Rs.30,000/- per month. Respondents are having ancestral agricultural land and they are earning 10 lacs annually. No one except the applicant is dependent on the earning of respondent No.1. He is economically able to provide maintenance to the applicant.

9. Respondent No.1 states that, he is not working in any company. He has denied having any service as alleged by the applicant. He has filed affidavit of assets and liabilities (Exh.15). Wherein he submitted that, he has lost his job due to Covid-19 pandemic. Now he was working on daily wages irregularly.

10. It is not the case of respondent No.1 that, he is not able to earn. He is able bodied person having capacity to earn. The applicant cannot be left to live in vagrancy just because respondent no.1 is not showing any income source. As he has ability to earn his month income is presumed at Rs.10,000/- per month considering the social status of the parties. The applicant has not given details of her needs. The applicant is entitled for interim maintenance as concluded above. Thus, bare necessities of the applicant has to be considered at this stage. Respondent No.1 appears to be able bodied and experience of work. Thus, he has ability to earn around

Rs. 10000/-. Hence, I am considering this minimum standard for interim maintenance.

11. Since the order of interim maintenance would be from date of the application, the capacity of paying arrears is also to be considered. Considering the bare necessities and expenses of the applicant, Rs.3,000/- per month for applicant would be appropriate interim maintenance. Hence, I answer point No. 2 in affirmative.

**As to Points No. 3 :-**

12. As to protection order : In view of finding as to point No. 1, applicant has *prima-facie* established the case of domestic violence. In such circumstances, in order to avoid further acts of domestic violence against her, she needs to be given relief of interim protection. Accordingly, I answer point No. 4 in affirmative.

**As to Point No. 4:-**

13. As to residence order : The applicant claimed alternate accommodation or monthly rent Rs. 5000/- per month. No material is brought on record to show need of such amount at this stage. However, as the applicant is residing at parental house of applicant, hence the issue of residence and rent can be decided along with the main petition.

**As to Point No. 5 :-**

14. In view of above discussion applicant have *prima-facie* established that they are entitled for maintenance from respondent No.1. *Prima-facie* it is clear that respondent No. 1 is neglected to maintain applicant, since and prior to filing of this petition, hence the applicant is entitled to get maintenance from the date of this petition. In view of above discussion, I proceed to pass following order;

**ORDER**

1. Application (Exh.11) is partly allowed.
2. Respondent No.1 is directed to pay monthly maintenance of Rs. 3,000/- (Rs. Three Thousands Only) and to applicant till decision of main petition.
3. Respondent No.1 is directed to pay the interim maintenance amount from the date of this application (Exh.11).
4. The respondents are restrained from committing any act of domestic violence against the applicant.
5. The copy of this order be given to both parties free of cost.

**Renapur**

**Date: 22/09/2022.**

**(Y. A. Jadhav)**

**J.M.F.C.,Renapur**