

MHMM160121342024



Received on : 13.06.2024.

Registered on : 13.06.2024.

Decided on : 21.07.2026.

Duration : Y M D
02 01 08

IN THE COURT OF THE JUDICIAL MAGISTRATE FIRST CLASS,
49TH COURT, VIKHROLI, MUMBAI.

(Presided over by Shri N.D. Jadhav)

JUDGMENT

EXH. 21

C.C. No. 114/DV/2024

Smt. Manisha Kumar Sonawane

Age : 37 years, Occupation : Housewife,

R/o. Room No.68/2/2, Indra Nagar,

Sundar Bag, Kamani, Kurla (West), Mumbai

... Applicant

VERSUS

1) **Kumar Suresh Sonawane**

Age : 42 years, Occupation : Business,

2) **Smt. Manorama Suresh Sonawane**

Age : 67 years, Occupation : Housewife,

3) **Vishal Suresh Sonawane**

Age : 48 years, Occupation : Service,

4) **Parashuram Suresh Sonawane**

Age : 45 years, Occupation : Business,

All residing at :

At Udgaon Ves, Dhor Lane No.10,

Near School, Miraj, District-Sangali

...Respondents

Ld. Counsel for the applicant : Shri Atish Kasbe.

Application under section 12 of the Protection of
Women from Domestic Violence Act.

JUDGMENT

1) This is an application under section 12 of the Protection of Women from Domestic Violence Act (in short hereinafter referred as "D.V. Act").

2) The applicant's case in nutshell is as under :-

The applicant stated that respondent No. 1 is her husband, respondent No.2 is mother, respondent No.3 and 4 are brothers of respondent No.1. She got married with respondent No.1 on 27.04.2016, at Miraj, Sangali. Out of wedlock she is blessed with two sons namely Devansh and Vihan. It was arranged marriage. After marriage she started to cohabit with her husband at Miraj. After three to four years of marriage she was subjected to physical and mental torture at the hands of the respondents. The respondents were abusing her. Her mother-in-law forced her to work inspite of her illness. The respondents were demanding that she should bring day to day articles from her parental house. The respondents were insulting and abusing her in filthy language. Her husband and brothers-in-law tried to assault her under influence of liquor.

3) The applicant further submitted that the respondents did not allow her to stay in the room at Miraj nor transferring the said room in her name. Her husband sexually harassed her and also took suspicion on her character. So also her husband demanded Rs.3,00,000/- from the applicant's father and told him that he will look after her only when he would fulfill the said demand. Her husband is addicted to liquor and on 26.07.2021 and 17.04.2023, he abused and assaulted her under the influence of liquor and therefore, she lodged Non-Cognizable Offences Reports at Miraj. She was subjected to domestic violence at the hands of the respondents. When she opposed for the same, she was thrown out of the house by the respondents on 19.04.2023. Since then she is residing at her parental house alongwith her children. Her husband has totally deserted her and her children. She is totally depend upon her husband for her livelihood. Her husband

is an electrician and earning Rs.30,000/- per month. Hence, she filed this application.

4) The notices were issued to all respondents. However, they failed to appear and file their reply. Hence, the case has proceeded as ex-parte. The applicant has filed ex-parte Evidence by way of affidavit of the applicant and thereafter, has closed her evidence.

5) I heard Ld. Advocate for the applicant at length.

6) On perusal of application, documents filed on record and evidence of applicant and arguments advanced by the Advocate for applicant, following points arise for my determination to which I am recording my findings with reasons as under :

	<u>POINTS</u>	<u>FINDINGS</u>
(1)	Whether applicant proves that she was subjected to domestic violence at the hands of respondent No.1 to 4 ?	in the affirmative.
(2)	Whether applicant is entitled for reliefs of protection order, maintenance order, residence order, compensation order as prayed for?	Partly Affirmative
(3)	What order ?	As per final order.

FINDINGS AND REASONS

7) In order to prove her case, applicant examined herself at Exh.9. She relied on the documentary evidence i.e. original marriage invitation card at Exh.11, birth certificates of her children at Exh.12 and 14, Aadhaar Card of Children at Exh.13 and 15, original copies of N.C. Reports filed by the applicant at Exh.16 and 17. She also filed her Assets and Liabilities Affidavit at Exh.4.

AS TO POINT NO.1 :-

8) The applicant has adduced her evidence on affidavit below Exh.9. Domestic Violence is defined under section 3 of the D.V. Act which includes physical harm, verbal, sexual and economic abuses. In the present case the applicant has deposed, similar to contents of her application. She has deposed that during her residence with respondent No.1, she was ill-treated. Her husband i.e. respondent No.1, used to consume liquor and physically and verbally abused her. So also the other respondents used to utter unparliamentary words and thereby mentally harassed the applicant. They also used to utter unparliamentary words about her father. Respondent No.2 used to force the applicant to do household work. The respondents also used to demand that the applicant should bring household articles from her parental house.

9) The applicant also deposed that the respondents had a room at Miraj in which the respondents are not giving her share nor are they permitting her to reside in that room and they used to ill-treat her on that ground also. Respondent No.1 used to have physical relations with the applicant against her will and without her consent and whenever she denied for the same, respondent No.1 used to physically, sexually, mentally and verbally abused her.

10) The testimony of the applicant, above mentioned, has gone unchallenged as the matter is proceeding ex-parte against the respondents. Therefore, there is no reason as to why the evidence of the applicant can be discarded. Therefore, from the ocular evidence of the applicant, physical, economic, sexual and verbal abuses at the hands of the respondents, is proved.

11) The applicant and the respondents, have been in domestic relationship as respondent No.1 is husband of the applicant, respondent No.2 is mother-in-law of the applicant and respondent No.3 and 4 are brothers-in-law of the applicant. Therefore, domestic violence of the applicant at the hands of the respondents, is proved by the applicant. Hence, I answer Point No.1 in the affirmative.

AS TO POINT NO. 2 :-

12) The applicant is praying for relief under sections 18, 19, 20 and 22 of the D.V. Act. Section 18 of the D.V. Act is in respect to the Protection Order, section 19 of the D.V. Act is in respect to Residence Order, section 20 of the D.V. Act is in respect to Monetary Relief and section 22 of the D.V. Act is in respect to Compensation Order.

13) According to the applicant respondent No.1 is an electrician by profession and he is earning Rs.1,000/- to Rs.1,500/- per day and Rs.30,000/- per month. On the other hand, the applicant is having no source of income. Respondent No.1 is having no responsibilities apart from the well being of the applicant. The applicant is having two children namely Devansh and Vihan who are minors. The applicant is in need of Rs.10,000/- for her day to day requirements and education of children.

14) On the other hand, the respondents have not appeared and tendered evidence nor have they denied the income of respondent No.1, as is deposed by the applicant. Therefore, income of respondent No.1 of Rs.30,000/- has to be considered while deciding quantum of maintenance to the applicant and minor children.

15) Considering that the applicant and her two children are responsibilities of respondent No.1, the amount claimed by the applicant of Rs.10,000/- seems to be reasonable amount considering income of respondent No.1. Therefore, the applicant is entitled to maintenance of Rs.10,000/- per month from respondent No.1.

16) The applicant is seeking Residence Order. But, she has not pleaded nor deposed that she requires separate residence. On the contrary, she is residing at her parental house, therefore, according to me, the applicant is not entitled for residence order.

17) The applicant is also praying for Compensation. But, she has not filed on record any documentary evidence proving physical injuries and also expenditure incurred for the treatment of the same. But, the applicant had to face domestic violence at the hands of the respondents, which included physical, sexual, mental and economic abuses and therefore, for the same she is entitled for compensation.

18) Considering the income of respondent No.1 and other respondents and standard of living of the parties, according to me, the applicant is entitled for Rs.25,000/- compensation from the respondents.

19) The evidence of the applicant has gone unchallenged. The applicant has proved her domestic violence at the hands of respondents and therefore, it is necessary to direct respondents not to commit any domestic violence on the applicant hereinafter. Accordingly, I answer Point No.2 as partly affirmative.

AS TO POINT NO. 3

20) As I hold Point No. 1 in affirmative and Point No. 2 is partly affirmative, I pass following order :-

ORDER

- (1) The application is partly allowed.
- (2) Respondent No. 1 is directed to pay maintenance of Rs.10,000/- (Rs. Ten Thousand Only) per month to the applicant from the date of application.
- (3) Respondents No.1 to 4 are directed to pay compensation of Rs.25,000/- (Rs. Twenty-Five Thousand Only) collectively to the applicant within one month of the order.
- (4) Respondents No. 1 to 4 or anybody else or on their behalf are hereby restrained from doing any act of violence against the person of the applicant by way of protection order.
- (5) Copy of this order be sent to the Protection officer and Senior Police Inspector of concerned police station and also copy be provided to both parties free of cost.

Judgment is dictated and pronounced in open Court.

Vikhroli, Mumbai.
Date : 21.07.2026

(N.D. Jadhav)
Judicial Magistrate First Class,
49th Court, Vikhroli, Mumbai.