

Order Below Exh. 05 in Cri. M. A. No. 64/2022
Maltibai Himatsing Tadvi Vs. Himatsing Tijya Tadvi

This is an application for interim maintenance. The applicant in her application has contended that the opponent No.1 is her husband. The opponents have ill-treated and harassed her and driven her out of the house and therefore, she is residing with her parents. She is unable to maintain herself. The opponent No.1 is having sufficient source of income. The hearing and disposal of the main application will take much time. The applicant is facing starvation and therefore, prayed for interim maintenance.

2] The opponent No.1 has appeared and filed his say at Exh.21. The opponent No.1 has admitted the relationship with the applicants. However, he denied rest of the contentions in the application.

3] Heard learned advocate Shri Rupsing T. Vasave for the applicant. Heard Ld. Shri.I.A.Pinjari for the opponent No. 1. They have submitted on the line of their contentions.

4] The application is at interim stage, the matter is yet to be decided on merit. It appears that the applicant is not residing with the opponent No.1. The opponent No.1 has admitted the relationship with the applicant. Therefore, it is the moral and legal duty of the opponent No.1 to provide monitory assistance to the applicants. From perusal of application prima facie it appears that the sufficient reasons mentioned by the applicant for residing separately. Further more prima facie harassment and ill-treatment to the applicant appears to have been caused by the opponents.

5] The applicant No.1 has filed her affidavits of assets, income and expenditure at Exh. 18. However, the opponent No.1 has not filed his

affidavit of assets, income and expenditure. According to the applicants, the opponent No.1 is doing service in Forest Department. The opponent No.1 has not brought on record his income details. He has not disclosed what is his monthly income. But, the opponent No. 1 must have get some income to complete his livelihood. Therefore, being the husband of the applicant No.1 and father of the applicant No.2, the opponent No. 1 is having moral and legal duty to provide monetary assistance to the applicants. Thus, prima facie it is necessary to award interim maintenance to the applicants till the disposal of the main application on merit. Taking into consideration current social and financial status of both the parties and cost of living, in my view ₹3,000/- per month to the applicant No.1 and ₹1,000/-per month to the applicant No.2 would be sufficient to meet the ends of justice. In the result, I pass the following order.

ORDER

1. The application is partly allowed.
2. The opponent No.1 is hereby directed that he should pay interim maintenance of ₹ 3,000/- (₹ Three Thousand only) per month to the applicant No.1 and ₹ 1,000/-(₹ One Thousand only) per month to the applicant No.2 from the date of filing of the application i.e. from 19.04.2022, till the disposal of main application.

(Pronounced in the open court.)

Akkalkuwa.
Date :- 18.09.2025.

(V. B. Shitole)
Judicial Magistrate First Class,
Akkalkuwa, Dist. Nandurbar.