


MHNG070000592023 	<u>Order Below Exh. 1</u> (Passed on this 18th July, 2023)
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Present proceeding is filed under Section 12 of the Protection of Women from Domestic Violence Act, (hereinafter referred to as the Act) for various reliefs of maintenance, protection and compensation. Wherein the applicant have prayed for interim relief vide prayer clause of the main application.

2. In nutshell, case of the applicant is that she is a legally wedded wife of non-applicant no. 1. After marriage she resided with non-applicants in joint family at Gharatwada, Th. Katol,, Dist. Nagpur. Non-applicants behaved well with her for initial one month, later on she was ill treated by the non-applicants. Non-applicants used to abuse applicant in filthy language. She came to know that, non-applicant no. 1 is having illicit relations, when she asked about the same non-applicant no. 1 abused her. Their marriage was against the will of the applicants parents, hence she was bearing the non-applicants. Meanwhile, she gave birth to a son on 02.10.2019. On 12.12.2022 non-applicant no. 1 asked her to bring five lakh rupees from her parents and abused her. She was droven out of the house. She filed report with police on 15.12.2022 and went to her maternal house. Presently she is residing separately in a rented room. Hence, applicant is praying for interim maintenance of Rs. 30,000/- p.m.

3. On the other hand non-applicants filed their say at Exh. 16 and denied all material allegations in the application. It is contended by the non-applicants that false application is filed by the applicant for harassing the non-applicants. They have entered love marriage. She is not entitled for any relief as prayed. Non-applicant no. 1 plays Tabala and earns Rs. 200/- per day whenever he gets work. Applicant herself left the society of the non-applicants. She left the son born out of the wedlock at the house of non-applicants. Son namely Trushabh is residing with the non-applicants. Non-applicant no. 1 is taking his care, he is suffering from kidney disease and is under dialysis. His parents are dependent upon him. Non-applicant no. 1 was running a small grocery shop but, due to the illness of his son the shop is shut down. The floor mill is also shut down. Hence, the non-applicants prayed to reject the application.

4. Present prayer is made U/s.23 of the Act. Needless to state that parties to the proceeding are not required to prove their contentions beyond reasonable doubt. If at all petition is disclosing prima facie incidents of domestic violence then applicants are entitled for reliefs U/s.18 to 22 of the Act. What is domestic violence is stated in Sec. 3 of the said Act which includes physical abuse, verbal and emotional abuse and economic abuse. Said abuses are specifically described in explanation clauses of S.3 of the said Act. In the backdrop of said provision, it is necessary to determine as to whether or not present petition is disclosing incidents of domestic violence as contemplated in S.3 of the said Act. Application itself is

sufficient for the same.

5. Perused the application and say. Heard both the sides at length. Relationship is not disputed by the non-applicants. There are counter allegations against each other. The main proceeding will admittedly take more time. The pleading of the applicant is prima facie sufficient disclosing the domestic violence for the sake of present application. The main petition will be decided on merit after leading evidence by both the sides.

6. Applicant have not filed any document regarding income of the non-applicant no. 1 nor the non-applicant no. 1 have filed any document regarding the income of applicant. Parties have filed their affidavit of assets and liabilities vide Exh. 17 and 18. Perusal of the said affidavits suggest that, the applicant is not earning and non-applicant no. 1 is earning Rs. 200/- per day. Admittedly non-applicant no. 1 is able bodied person and earning man.

7. Under said backdrop, an inference can be drawn that non-applicant no.1 being able bodied person, is having source of income. On the other hand, applicant is not having any source of income. He cannot deny the moral and legal responsibility of maintaining his wife. Though, whatever would be their quarrel. While deciding quantum of maintenance, it is necessary to consider standard of living of parties, basic needs of applicant, earning capacity of non-applicant and inflation. Needless to state that prices of essential commodities are rising day by day. It is necessary to

make provision for diet and clothing of the applicant. Considering all these aspects, it will justifiable to direct non-applicant no. 1 to pay monthly allowance of Rs. 2500/- per month to the applicant from the date of application. In the result, I proceed to pass following order.

O R D E R

1. Application is partly allowed.
2. Non-applicant no. 1 is directed to pay 2500/-p.m.
(Rs. Two Thousand Five Hundred only) to the applicant towards maintenance from the date of application till final disposal of the case.
3. Copy of order be provided to applicant free of cost.

Date :- 18.07.2023
Katol

(J.J. Inamdar)
2nd Civil Judge (Jr.Dn.), & JMFC,
Katol

ENDORSEMENT

Case Argued on	:	18.07.2023
Judgment dictated on	:	18.07.2023
Transcription Ready on	:	18.07.2023
Judgment checked and signed off	:	18.07.2023

CERTIFICATE

I affirm that the contents of the this PDF file are same word to word, as per the original order.

Name of the Stenographer :- R.M. Parmal (Lr. Gd)