

PWDVA No.1/2025
Ashabai -VS- Arun

ORDER BELOW EXH.5
(Passed on 10/07/2025)

This application is filed by the applicant for interim maintenance order, protection and residential order. Opponent filed say below Exh.8 and resisted the contents in the application.

2. Heard Adv. Smt. Ganvir for the applicant and Adv. Shri. Sonekar for the opponents. Perused application, say and the documents filed on record.

3. The application is filed by the applicant being the mother of opponent no.1 and mother-in-law of opponent no.2. It is the contention of the applicant that opponents are harassing and torturing the applicant. They are insisting her to remove from the house. Even after passing the order of maintenance by the Sub-Divisional Officer, Mouda, opponent no.1 is not paying monthly maintenance to her. Applicant is fully depend upon the opponents. They are not looking after her. In such circumstances, she is deserted by opponent no.1 and therefore, she has filed this application for protection, maintenance and residential order.

4. Opponents filed say below Exh.8 and resisted the application on the ground that the application is false. Applicant is abusing opponents on small reasons. Opponents are giving amount on every month to her but applicant is not living with them peacefully. Applicant is not interested to live with opponents. She always started quarrels with opponent no.2. She is living in the same house along with the opponents. Therefore, the application be rejected.

5. After considering the pleadings of the parties and the argument, following points arising for my consideration, those points are answered as follows along with their reasons -

Sr. No.	Points	Findings
1	Whether applicant is entitled for the maintenance as prayed ?	Yes
2	Whether applicant is entitled for the protection order as prayed ?	Yes
3	Whether applicant is entitled for residential order as prayed ?	Yes
4	What Order ?	As per final order

REASONS

As to Point No.1 to 3 :-

6. The relation is admitted. The order passed by Sub-Divisional Officer is also admitted. In such circumstances, other factors are required to be appreciated while deciding this interim application.

7. Applicant filed the order of Sub-Divisional Officer below Exh.3/1. It is admitted fact that Sub-Divisional Officer Mouda ordered to pay Rs.5,000/- per month to the applicant from the opponents. In such circumstances, as already opponents are directed by the Sub-Divisional Officer Mouda to pay Rs.5,000/- to the applicant, I think this order will suffice the purpose. Opponent no.1 is living with her wife and children. They are depend on him. In such circumstances, the amount of Rs.5,000/- is sufficient. On the contrary, the applicant is single and she is residing in a small room of the house of the opponent and applicant. Therefore, I think the amount of Rs.5,000/- granted by Sub-Divisional

Officer Mouda is sufficient. Therefore, the amount of Rs.5,000/- is hereby granted as the interim maintenance to the applicant. The applicant is directed to recover the amount of Rs.5,000/- either of this order or of the order of Sub-Divisional Officer Mouda. Hence, I answer point no.1 in affirmative.

8. As regards the protection order, it is mentioned in the application that there are quarrels between applicant and opponents and opponents are not treating properly to the applicant. The order of maintenance is already passed by Sub-Divisional Officer. This shows prima facie that there is act of domestic violence at the hands of opponents to the applicant. In such circumstances, protection order is required against the opponents. Hence, I answer point no.2 in affirmative.

9. As regards the residential order, both the advocates submitted that the house is double-storied house. It is the case of the applicant that she is residing in one small house which is not sufficient to her and opponents are residing in double-storied building. Admittedly applicant is over aged women. Considering her age and the relation between the applicant and opponents, it is the duty of opponents to take care of the applicant and her necessary needs being the son and daughter-in-law. The applicant prima facie establish that she has been neglected by the opponents. In such circumstances, during these periods of applicant she requires care and protection of the opponents. Hence, she also requires the proper residence. Considering the building, it is necessary to pass order as regards the residence of the applicant on the ground floor of the building. In conclusion, opponents are directed to provide the residence i.e. rooms on the ground floor of the building to

the applicant. Therefore I answer the point no. 3 in affirmative and in answer to point no.4, I pass the following order.

- ORDER -

- 1] Opponents no.1 is directed to pay Rs.5,000/- per month as interim maintenance to the applicant.
- 2] Applicant is to recover either the maintenance amount of this Court or the maintenance amount granted by Sub-Divisional Officer Mouda.
- 3] Opponents are directed not to make any act of domestic violence with the applicant till disposal of this petition.
- 4] Opponents are further directed to provide sufficient rooms on the ground floor of the house to the applicant and they are further directed not to disturb possession till disposal of the petition.
- 5] Copy be supplied free of cost to the parties.

Kamptee

Date : 10/07/2025.

(Mohan R. Kamat)
Judicial Magistrate, First Class,
Kamptee