

**ORDER BELOW EXH.16**  
(Passed on 11/09/2025)

This application is filed by the applicant under Section 125 of Cr.P.C. for interim order of maintenance. Non-applicants filed say below Exh.9.

2. This application was not previously exhibited. But it seems that it is filed on 10.04.2024. Hence, today by passing order below Exh.1, this application is marked as Exh.16.

3. Heard Adv. Shri. Dawda for the applicant and Adv. Shri. Gajwe for the non-applicant.

4. Applicant filed assets and liability affidavit below Exh.13. Opponents filed assets and liability affidavit below Exh.14

5. Relation is admitted. Applicant is mother of both the opponents. It is the case of the applicant that she is deserted by opponents, therefore she has demanded the maintenance amount. It is further submitted by applicant that she is suffering from various ailments due to which her medical expenses are increasing day by day. She has to take regular treatment as well as medicine for her better day. It is specifically mentioned in her affidavit that she is getting Rs.14,770/- as family pension of her husband. But, her expenditure is more than the income. Opponents totally deserted her and her life became miserable. It is also submitted by applicant that she expelled from her own house due to which she has suffered great mental trauma. Applicant is depend upon her daughter, therefore she demanded interim maintenance. It is further the case

of the applicant that she is suffering from Arthritis, Diabetes and blood pressure. Therefore, she needs the economic support of the opponents for living her life. Opponents are not taking responsibilities of applicant, therefore this application is filed.

6. Opponent no.1 came with the case that the application of the applicant is false. It is further submitted that applicant is never deserted nor expelled from her house. Applicant failed to make her daughter as party to the application, she is also necessary party. Applicant is misleading the Court. She is having agricultural land in Andhra Pradesh. She is getting free medical treatment from the Army. She is not ready to live with the opponents. Opponent no.1 has not willfully neglected her and still ready to maintain her. The grounds of Section 125 are not complied with. Therefore, applicant is not entitled for the interim maintenance as prayed. As per Section 125 of Cr.P.C., if any person having sufficient means neglect or refuses to maintain his wife, unable to maintain herself legitimate or illegitimate child, his father or mother unable to maintain himself or herself, upon proof of such neglect or refusal, order such person to make monthly allowance for the maintenance of father and mother, as such monthly rate as Magistrate thinks fit.

7. In the present case, the relation is admitted. It is also admitted that applicant is not residing with opponent no.1 and 2. It is also admitted that applicant is having pension of Rs.14,770/- of her husband. Now the question arises whether applicant has prima facie established that opponents have neglected her or refuse to maintain her.

8. As submitted above, the applicant and opponents are residing separately. It is also the arguments of opponent no.1 that he is ready to maintain the applicant if she is ready to live with him. That means, applicant is residing separately from opponents. In the say of the opponents, it is nowhere denied that applicant is suffering from the ailments such as Arthritis, Diabetes and blood pressure. Opponent no.1 specifically came with the case that this application is filed by the applicant to harass the opponent no.1 only.

9. While considering the nature of the application under Section 125 of Cr.P.C., neglect and refusal is only to be seen from the record. It is specifically admitted by opponent no.1 that applicant is not residing with him. It is also not his case that he is providing the amount for the livelihood of the applicant. Some medical record has been filed on record which shows that applicant is taking treatment. The amount of pension is admitted by the applicant to be of Rs.14,770/-. Considering the ailments of the applicant and the treatment, it is the responsibility of the opponents being her son to maintain her. The applicant prima facie established that she has been neglected by opponents and refused to maintain. In such circumstances, interim maintenance is required to be allowed to the applicant from the opponents.

10. Opponent no.2 has not filed any reply nor any affidavit of asset and liability on record. Opponent no.1 has filed his asset and liability affidavit. It is mentioned in Column No.F that he is working in Army Supply Depo Kamptee as labour and earning Rs.70,000/- per month. Opponent no.2 has not anything on record to show his income nor he has filed any say to this application. It is

mentioned in the application that he is also earning handsomely. In such circumstances, the amount of Rs.10,000/- per month i.e. 5,000/- each by opponent no.1 and 2 will be sufficient interim maintainance to the applicant. Hence, considering these circumstances, I pass the following order.

**:- ORDER :-**

1. Application is partly allowed.
2. Opponent no.1 is directed to pay Rs.5,000/- (Five Thousand) per month and opponent no.2 is directed to pay Rs.5,000/- (Five Thousand) per month to the applicant towards interim maintenance from the date of filing of this application till the disposal of the main application.
3. The copy of this order be given to applicant, non-applicant, concern Police Station and protection officer free of cost.

Kamptee

Date : 11/09/2025.

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