

PWDVA No.37/2023
Anita -VS- Mukesh

ORDER BELOW EXH.11
(Passed on 25/09/2025)

This application is filed by the applicant for interim maintenance order as per Section 23 of Protection of Women from Domestic Violence Act, 2005. Opponent filed say below Exh.12 and resisted the contents in the application.

2. Heard both the advocates. Perused application, say and the documents filed on record.

3. Applicant filed Asset and liability affidavit below Exh.15. Non-applicant filed Asset and liability affidavit below Exh.16.

4. It is submitted by the Adv. Smt. Walde for the applicant that applicant and non-applicant no.1 are wife and husband. Marriage of applicant and non-applicant no.1 is solemnized on 30.03.2023 as per Hindu Rites and Customs in their community at Kamptee.

5. She further submitted that non-applicant no.1 has deprived applicant economically and without roof. The applicant is at mercy of her parents and staying with them. She further submitted that non-applicant no.1 is doing business named and style as "Minakshi Dudh Dairy" situated at Pipla Road, Manewada, Nagpur and earning the income of Rs.50,000/- per month. Applicant is only depend upon the non-applicant no.1. Non-applicant no.1 is having sufficient means to maintain the applicant. On the contrary, applicant is not having any means and source of income to maintain herself.

6. Non-applicant no.1 resisted the application vide say at Exh.12 and denied all allegations made against him. Non-applicants submitted that non-applicant no.1 never assaulted and abused the applicant. They further submitted that applicant is not residing with non-applicant no.1. It is further submitted that applicant always treated non-applicant no.1 cruelly. She was always abusing in filthy languages to the non-applicants. It is further submitted that he just earning Rs.7,000/- per month by doing Job at Minakshi Dudh Dairy/ Ghee Bhandar. On the contrary, applicant is abusing in filthy languages to the non-applicants and also she refused to stay with non-applicant no.1 without any reason. The mother of non-applicant no.1 is depend upon him. Therefore, he is unable to give Rs.30,000/- maintenance to the applicant. The application is false. It is further submitted that applicant, her parents and brother abuse and threatened non-applicants with dire consequences. Applicant filed false cases against non-applicants. In the meeting arranged in the premises at Court in Nagpur for settling the dispute, applicant's mother tried to bit the non-applicant no.2 on the reason that he is responsible for the dispute between the applicant and non-applicant no.1. It is further submitted that applicant's father was working in the Central Government Department and died during the Corona period. After the death of applicant's father, the family member of applicant received Rs.80 to 90 Lakhs towards gratuity and death compensation. Applicant's mother is getting family pension of Rs.30,000/-, applicant's brother Nikhil received appointment on compassionate ground and he is earning of Rs.60,000/- as salary. Applicant is running Beauty Parlor and earning of Rs.25,000/- per month. It is further submitted that applicant resided with the non-applicants only for 20 days after the marriage. Therefore, there is no domestic violence at the hands of non-applicants to her. Hence, they

prayed to reject the application.

7. After going through the record and arguments of both the parties, it seems from the record that the relation is admitted by both the parties. It is further admitted by both the parties that applicant is residing with her mother in mother's house. It is admitted fact that non-applicant no.1 is residing separately from applicant.

8. I have carefully perused the application and the say. The applicant filed various documents on record including the copy of FIR of Crime No. 510/2023 registered with Ajni Police Station, Nagpur. This crime is registered as per Section 498 (a) of IPC. The notices were also issued by both the parties to each other. Therefore, considering these documents on record and the pleadings of the parties, there seems that there is dispute between the parties. Applicant specifically mentioned some incidences in her application and application Exh.11. This prima facie shows that applicant and non-applicants were in a domestic relationship. It seems from the pleading of the parties that there were disputes between the parties which shows that due to that dispute the applicant is not residing with non-applicants. Non-applicants failed to file any prima facie evidence to show that they provided the basic needs to the applicant. It is admitted fact that applicant is residing with her mother in her parental house. In such circumstances by the application Exh.1 and Exh.11, it is prima facie established by the applicant that there was domestic violence from the non-applicants to her during the marriage and shared household. She further established that as she is residing with her mother, she is now depend on her mother. Since her desertion, non-applicant no.1 fully neglected to maintain her. This also

seems to be a domestic violence as non-applicant no.1 has deprived her economically. On the contrary, the applicant has filed report with police against non-applicants which shows that there were some quarrels between the applicant and non-applicants. In such circumstances, considering these prima facie established facts, it seems that the applicant is aggrieved person and there was domestic violence during the domestic relationship to her by the non-applicants. Therefore, the applicant is entitled for the monetary relief from non-applicant no.1.

9. It is the case of the non-applicant no.1 that he is earning Rs.7,000/- per month. He has not filed the salary certificate. On the contrary, in his say Exh.12 in Para No.(E) on page no.15 and 16 specifically admitted that non-applicants are running dairy shop named and styled as “Minakshi Dudh Dairy” and non-applicant no.1 is working in that shop. On the contrary, it is specifically mentioned in Para No.(B) of Exh.12 at Page No.13 that they are much capable and therefore they have not demanded any dowery from the applicant. This shows that the non-applicant no.1 is earning handsomely as he is doing business of dairy.

10. As per the provisions of Domestic Violence Act and considering the allegations mentioned in the application by the applicant, she prima facie establish that there are instances of domestic violence with the applicant by non-applicant no.1 when they were in a domestic relationship. Hence, considering the admitted facts as mentioned above and the needs of the applicant, the amount of Rs.10,000/- per month will suffice the purpose if it is granted as the interim monetary relief. Hence, I pass the following order.

:- ORDER :-

1. Application is partly allowed.
2. Non-applicant no.1 is directed to pay Rs.10,000/- (Ten 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 : 25/09/2025.

(Mohan R. Kamat)

Judicial Magistrate, First Class,
Kamptee.