

Misc. Cri. A.No.14/2018
Sushma .vrs. Vinod

ORDER BELOW EXH.8

(dt. 8th February, 2019)

Applicant filed application under Section 23 of Protection of Women from Domestic Violence Act.

2] She submitted that she is relying on contention of main application, therefore, avoided to repeat contents of main application. She submitted that her marriage and marriage of Non-applicant solemnized on 24.12.2005 as per religious custom and tradition. Non-applicant used to take liquor and doubt on character of applicant. He used to beat and abused her. Therefore, applicant filed report against him and filed application before Protection Officer.

3] Non-applicant is a Cook, earned Rs.15,000/- per month out of his work. He can easily give maintenance Rs.10,000/- to applicant and her children. Applicant has to bear expenses of maintenance and education of her children. Therefore, she filed this application.

4] Non-applicant filed his say at Exh.5 and denied contention. He submitted that Non-applicant is ready to cohabit with her. He earned Rs.6,000/- per month. He has responsibility of his mother. Therefore, applicant is not entitled for maintenance.

5] Heard learned counsel for applicant Mrs. Bhatia. Perused document. There is no dispute regarding relationship between applicant and Non-applicant. There is no record, which show that Non-applicant maintained applicants till today. Report of Police Station, show that applicant suffered domestic violence at the hands of Non-applicant. Therefore, from record prima facie case is made out in favour of applicants. It is duty of Non-applicant to maintain his wife and children as per Law. Hence, I pass following order :-

ORDER

- 1] Application is partly allowed.
- 2] Non-applicant is directed to pay Rs.5,000/- per month to applicants No.1 to 3 from date of this application till decision of case.

Umrer,
Date: 08.02.2019

(A.V. Pandit)
I/c. Judicial Magistrate First Class,
Umrer.