

MHNG100014882024



**Order Below Exh.15 In Other Misc.Appli.No.32/2024.**

In the instant application, applicant has filed under section 23 of Protection of Women from Domestic Violence Act. Applicant has prayed for grant of interim maintenance to the tune of Rs.15,000/- per month to her and her daughter.

2. Applicant has leveled several allegations against all the respondents. She has contended that her marriage was performed on 17/02/2022 with non-applicant No.1 as per rituals. After marriage she went for cohabitation with non-applicant No.1 and still their marital relation is in subsistence. From such valid vedlock she gave birth to her daughter namely Tejaswini age, 16 months. Thereafter, Non-applicant was physically and mentally harassed her. She further contended that when she was suffering from medical problem, non applicant did not take her to the hospital. Though the parents of applicant gave understanding to the respondent but, all in vain. Hence, she is residing at her parental house since 2024. From that the non applicant No.1 not made any arrangement of her livelihood. It is further contended that applicant having no

any means to maintain herself, hence she is unable to fulfill her fundamental needs. Whereas, respondent No.1 has owned 10 ecker land and from which he is getting 7 to 10 lakhs annual income. Hence, she has prayed for interim maintenance of Rs. 15,000/- per month till the final disposal of the matter.

3. To the contrary non applicant appeared and filed say at (Ex.21) and strongly opposed the application. He contended that the applicant was not behaving properly with him and his family members. She was constantly neglecting towards household. Without any reasons she leaved from the house. He gave understanding to her but all in vain. Hence, prayed to reject the application.

4. Heard learned advocate for the applicant and non-applicant at length. Learned advocate for applicant submitted that applicant does not have any means to maintain herself, hence prayed to grand the application. On the other hand, learned advocate for the respondent submitted that the allegation leveled against the Non-applicant are baseless and not bona-fide. The applicant has without any reasonable cause leaved from the house of Non-applicants. Therefore, the allegation level against the non-applicant are not bona-fide and thereby, the applicant is not entitled to get maintenance. Hence, prayed to reject

the application.

5. Perused the application, say and documents on record. At this juncture, it is very difficult to go into the merits of the matter. As per settled law in this stage it is require to be seen only prima-facie case and detail discussion on evidence is not necessary. After going through the present application, it is alleged by the applicant that the respondent was neglecting her medical treatment and he used to avoid to hospitalize her. Respondent has not made any provision about her maintenance. The marital relation between applicant and respondent No.1 is still in subsistence. Applicant is residing at her parental house. Therefore, at this juncture it would not be unjust to rely upon the facts and circumstances put forth by the applicant.

6. Applicant has alleged that respondent used to abused her in filthy language and he used to avoid her for medical treatment as contended in application. This obviously would physically and mentally harassment as contemplated in the definition of domestic violence in the Protection of Women from Domestic Violence Act. The applicant has filed her asset and liabilities affidavit at (Exh.16). Perused the same affidavit wherein applicant has contended that she does not have any income source to

maintain herself. Respondent also filed affidavit in respect of his asset and liabilities at (Ex.22). Wherein, he contended that he is monthly income of Rs.6,000/- from the labour work. It is the settled principle of law that before imposing the liability on the non-applicant his financial condition needs to be taken into consideration.

7. As per the contention of the applicant she is residing at her parental house along with her minor daughter. Respondent No.1 being husband, it is his natural duty to maintain his wife and children. He cannot go away from such obligation. Applicant deserves to meet at least her basic living expenses to fulfill her fundamental needs. As per settled principle of law as discussed supra Court has to see only prima-facie case while dealing with this application. From the aforesaid discussion the applicant has made out prima-facie case in her favour. Now, she is residing at her parental house, on count of reasons discussed in above paras. Therefore, considering entire discussion made herein above and the present situation on record it is my considered view that if, non-applicant No.1 is directed to pay Rs.3,000/- to the applicant towards common interim maintenance amount till the final disposal of the main application, it will serve purpose of justice. Hence, I pass following Order.

**ORDER**

1. Application below Exh.15 is partly allowed.
2. Non applicant No.1 is directed to pay Rs.3,000/- (Rupees Three Thousand Only) to the applicant per month toward common interim maintenance amount from the date of application i.e. 25/10/2024, till the final disposal of the case.
3. Copy of order shall be given to the applicant forthwith.  
(Order dictated and pronounced in open Court.)

Date :- 10/03/2026.

( R. S.Mankar)  
J. M. F. C.( Court No.2),  
Umred

**CERTIFICATE**

I affirm that the contents of this P.D.F. File Judgment are same, word to word, as per the original Judgment.

Name of the Stenographer :S.B.Ghardinkar,  
Stenographer(G-III)

Name of the Court : 2nd Jt. C.J.J.D. &  
J.M.F.C.,Umred.

Date of Order : 10.03.2026

Original copy of order signed by  
the presiding officer on : 10.03.2026

PDF copy of order  
uploaded on : 12.03.2026