

**Oth. Cri.M.A. No.32/2019**  
**Punam + 1 .vrs. Raju +2**

**ORDER BELOW EXH.7-A**  
(Passed on 26<sup>th</sup> October, 2020 )

1] Applicant filed application u/s. 12 read with section 17 to 23 of the Protection of Women from Domestic Violence Act. She is relying of contents of main application in order to avoid repetition of facts.

2] Applicant is legally wedded wife of Non-applicant No.1. Marriage took place on 13.3.2016. After marriage she went to cohabit with Non-applicant No.1.

3] During cohabitation, applicant was performing all her household works. Non-applicant used to suspect on character of applicant and treat her as servant of the house. Non-applicant No.2 and 3 used to force her to bring costly article from her parent's house. Non-applicant No.1 never listen applicant and on instigation of Non-applicant No.2 and 3 used to ill-treat her mentally and physically. Nature of Non-applicants are intolerable and thereby made life of application miserable.

4] Non-applicants are greedy. Non-applicant No.2 and 3 used to interfere in life of applicant and Non-applicant No.1. Non-

applicant No.2 and 3 are quarrelsome and compelled applicant to left house. During the cohabitation, Non-applicant committed physical abuse and deprive from her economical and financial resources. Non-applicant deliberately and intentionally neglected applicant in her hard days. Non-applicant No.1 is legally bound to maintain applicant. Applicant is totally depend on Non-applicant No.1. She is unable to maintain herself.

5] Non-applicant No.1 is doing job in Accent and earned Rs.40,000/- per month. Non-applicant No.1 and 2 have two acres ancestral land in Kuhi. They have earned income from it. No person is depend on Non-applicant No.1. He can easily pay Rs.10,000/- to applicant and her child each. Hence, this application.

6] Non-applicant filed their reply at Exh.8 and opposed the application in toto. They specifically stated in their special pleading and submitted that applicant was not ready to marry with Non-applicant No.1.She does not like Non-applicant No.1. She was unhappy with the Non-applicant No.1. She told that her parents arranged her marriage without her wish and consent. Applicant is short temper and used to abuse Non-applicant No.1 in filthy language. She forced to live Non-applicant No.1 at her parents house and threatened to commit suicide and sent them in jail. From first date of marriage, applicant did not behave properly with

Non-applicant and his family members. She did not allow Non-applicant No.1 to establish physical relation by saying that she did not like Non-applicant No.1.

7] Applicant used to demand Iphone mobile and used to force to live her matrimonial house. Applicant never care Non-applicant No.1 and his family members. Non-applicant No.1 always tolerate ill-treatment of applicant with a hope that better sense will prevail in the mind of applicant in due course of time. Attitude of applicant is rude. Applicant used to say that she is not pregnant from Non-applicant No.1. Applicant used to quarrel on the point of living to matrimonial house. Applicant took doubt on Non-applicant No.1 kept a wife and Non-applicant No.1 has illicit relation with some other women. Applicant refused to establish physical relation with Non-applicant No.1 and thereby tortured him.

8] Because of attitude of applicant, Non-applicant No.1 compelled to live Nagpur. Similar allegations is made in his reply. I have avoided to mention it for brevity of order. After all it is interim order for interim maintenance. Prima facie case is require to be seen while granting interim maintenance. There is no any such proof to support the allegation of Non-applicant No.1 against applicant.

9] Heard learned counsel for applicant Mr. N. A. Pantavane. Learned counsel of Non-applicants is absent. Non-applicants are also absent. No application filed by any of the Non-applicant. It is necessary to decide the application without their hearing, so that, applicants would get interim maintenance, in the interest of justice.

10] It is not disputed that applicant is wife of Non-applicant No.1 and applicant no.2 is born out of marriage. There is no evidence that applicant is able to maintain herself. Moreover, there is no evidence that Non-applicant No.1 paid any amount to applicants before or after filing of this case.

11] It is not disputed that applicant is working in a private company. So far as maintenance amount is concern, Non-applicant submitted that he earn Rs.10,000/- per month and applicant averred that Non-applicant No.1 earned Rs.40,000/- per month. There is no proof of earning of Non-applicant No.1. Therefore, considering the life standard of applicant and Non-applicant No.1, I am of view that applicants are entitled for interim maintenance Rs.6,000/- per month from Non-applicant No.1.

12] Applicant established prima facie case on domestic violence at the hands of Non-applicants. Report of Protection Officer is in support of applicant. Therefore, from discussion above, I pass following order :-

**ORDER**

- 1) Application is partly allowed.
- 2) Non-applicants shall not commit domestic violence against applicant till decision of this case.
- 3) Non-applicant No.1 shall directed to pay interim maintenance amount Rs.4,000/- to applicant No.1 and Rs.2,000/- to applicant No.2, till decision of case, from the date of application.
- 4) Copy of this order shall be given to applicant, free of costs.

Umrer.

Dt.26.10.2020.