


MHNG140000172024 	Cri. M.A. NO.05/2024 KIRAN VS. AMOL
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ORDER PASSED BELOW EXH.04
(PASSED ON 16th DAY OF MAY, 2025)

The applicants have filed application under Section 12 for seeking relief under Section 18, 19, 20, 21 and 22 read with Section 3 of Protection of Women Against Domestic Violence Act. By the present application the applicant is seeking relief for interim maintenance.

1. It is the contention of the Applicant that the main application will take long time to decide. The Applicants are not doing anything and living their life on the mercy of the father and mother of the Applicant No.1. The Non-applicant No.1 having a sufficient means to maintain the Applicants however, he has neglected and refused to maintain the Applicants therefore, the Applicants are praying interim maintenance of Rs.15,000/- (Rupees Fifteen Thousand Only) per month each for the livelihood, medical and other expenses. The contents and averments made in the main application be taken into consideration while deciding this application.

2. The Non-applicant Nos.1 to 3 filed reply to the main application and filed pursis at Exh.9 with submission that reply to

the main application be treated as reply to the application for interim maintenance. The Non-applicant strongly opposed the allegations made against them and submitted that Applicant No.1 is legally wedded wife of Non-applicant No.1 and Applicant No.2 is their daughter. On 24.05.2023 the Applicant No.1 called her father, maternal uncle Dinkar and son Sagar at her house when the non-Applicant No.1 was alone in the house and they beaten to the Non-applicant No.1. When the Non-applicant Nos.2 and 4 saw that all these 3 persons were beating to the Non-applicant No.1, they tried to intervene, but they also slapped the Applicant No.2 and broke her bangles and beaten to the Non-Applicant No.4 which caused fracture to her nose and sustained bleeding injury.

3. On the same day, the maternal uncle of applicant and Sagar took all the ornaments and necessary articles from the house of Non-applicant No.1. The Non-applicant further submits that since the beginning, the Applicant No.1 was very negligent towards her household responsibilities and used to quarrel with the Non-applicants. After six months of the marriage, the parents of the Non-applicant No.1 arranged a separate accommodation for the applicant.

4. The Non-applicant No.1 was avoiding to discharge her matrimonial duties. The Non-applicant No.1 used to talk in very humiliating language. The Applicant No.1 was not taking good care of her daughter Charvi. The Non-applicants submitted that no Cow was given by the father of the Applicant in the marriage. The

Applicant has lodged the complaint against the Non-applicant only to counter the complaint filed by the Non-applicant No.4. The Applicant No.1 spend her time on her mobile phone and sleeping till 08:00 to 09:00 a.m. The Non-applicant prayed for the rejection of the instant application.

5. The Applicant No.1 would often keep sulk for days together and demand to return to her parental home, threatening to leave if her demand were not met. The Applicant No.1 did not bathe for several days, the Applicant No.1's action including threats if suicide and fabricated accusations, have made cohabitation impossible and jeopardized the non- applicant No.1's ,mental and physical well-being. The applicant filed this application to harass and pressurize the Non- applicant.

6. Heard learned advocate for the Applicant and learned advocate for the Non-applicants at length.

7. In view of rival contention of both party following points arise for my determination and my findings thereon for the reason stated below.

Sr. No.	Points	Finding
1.	Does the applicant No.1. prima-facie proves that she was subjected to domestic violence by the non-applicant ?	In affirmative

2.	Does the applicant No.1 proves that she is entitled for the interim relief. If yes, at what rate ?	In affirmative @ applicant No.1 Rs.2000/- and applicant No.2 Rs.1000/- per month
3.	What order ?	As per final order

REASONS

As To Point No.1 and 2:-

8. The marriage of the Applicant No.1 with Non-applicant No.1 is not disputed. The applicants contended that the Non-applicants are very conservative and of suspicious nature. They used to beat her mercilessly. The Non-applicant always used to do domestic violence with the Non-applicant No.1 by one and another reason. They used to torture, abuse and threaten the Applicant No.1. The Non-applicant No.1 always used to pressurize the Applicant No.1 to bring money from her parents. The Non-applicant No.1 always used to threaten her if she fails to bring the money, then he will perform marriage with other lady. The Applicant further submit that the Non-applicant No.1 had tried to kill her by keeping pillow on her neck. The Applicant No.1 submitted that her father had given a Cow in the marriage ceremony but the Non-applicant Nos.1 to 4 have made a condition of Cow so worst.

9. On 24.05.2023 the non-applicant Nos.1 to 3 have made quarrel with the applicant No.1 and threatened her with dire

consequences, abused in the filthy language and beaten her. The Applicant No.1 has lodged a complaint against the Non-applicant Nos.1 to 3 at Police Station, Parseoni. The Police has registered as Non-Cognizable Offence. Till date the police authority had not taken any action against the non-applicant Nos.1 to 3. The Non-applicants before six months quarreled with the applicant No.1 on the topic of bringing money from her father and beaten her mercilessly and non-applicant No.1 had thrown the Applicant out of his house and closed the door of the house. Therefore, the Applicant No.1 had made call to her father and mother and told the entire incident. The parents of the Applicant No.1 came at Palora and requested to the Non-sapplicants to take back the applicants in his house but he did not paid any heed on their request. Since, the Applicant No.1 is residing with her parents alongwith the Applicant No.2.

10. The applicants issued legal notice to the Non-applicants and requested them to comply the notice. Instead of service of notice, the Non-applicants neither complied the notice nor replied .

11. Now both party made allegation against each other. In support of the contention in the application Applicant filed on record, a copy of N.C. report registered at Police Station, Parseoni. On perusal of this documents, it shows that the Applicant has lodged the complaint against the Non-applicant in respect of their ill treatment.

12. On the contrary the Non-applicants submitted that after the solemnization of marriage, on 24.05.2023 as per-planned conspiracy of the Applicant No.1, with her father and maternal uncle Dinkar and his Son, beaten the Non-applicant No.1 when he was alone in the house. When the Non-applicant Nos.2 and 4 came there and they saw that these three persons beating to the Non-applicant No.1 they tried to intervene but they also beat to them. The Non-applicant No.4 lodged the complaint about the incident at Police Station. In support of this contention, no any document filed on record to show that the Non-applicant No.4 has lodged the complaint.

13. The Non-applicant further submitted that the Applicant No.1 was very negligent and she was not doing the domestic work. The Applicant No.1 was avoiding to discharge her household responsibility and spend her time on mobile phone, all the expenses of her treatment and delivery bore by the Non-applicant. The Applicant No.1 threatened to commit suicide. On 24.05.2023 Applicant No.1 herself went alongwith her father. Hence, it is crystal clear that there is a complete malafide intention of the Applicant No.1 behind the filing of the application.

14. That the applicants and non-applicants both have made counter allegation against each other. Both party can prove their contention by adducing sufficient evidence. At this stage it is admitted fact that today their matrimonial relation is in exists, they are legally wedded husband and wife and the applicant No.2 is

their daughter. Further, from the rival contentions of both the parties, it appears that since 24.05.2023 the Applicant No.1 is residing separately with the Applicant No.2 at house of her father.

15. The Applicant No.1 alleged that the Non-applicants treated her with cruelty, they thrown out her from the house for illegal demand of money from her parents. On the contrary the Non-applicant submitted that the father, maternal uncle and his son beat him with pre-planning and conspiracy, the applicant took the golden ornaments and other articles and left the house of the Non-applicant.

16. In support of their rival contentions only the Applicant has filed on record the copy of N.C. Report, but the Non-applicants have not filed any document in support of their contention. It shows that on 24.05.2023 the dispute was taken place between the Applicant and Non-applicant, and from that day the Non-applicant and Applicant both were residing separately. The applicant No.1 lodged complaint at police station, police registered N.C. offence against the Non-applicant.

17. The applicant No.1 issued notice to the Non-applicants and she has shown her willingness to reside and cohabit with Non-applicant No.1 and asked to give undertaking and cohabit with her and took her for the cohabitation. But Non-applicant No.1 did not take any initiative for their reunion. It is not the contention of the Non-applicant No.1 that he has provided any maintenance to the Applicant during this period of separation. Nothing is on record to show that the Applicant is able to maintain herself and her child. At

this stage considering the rival contention of both the parties and documents filed on record, it prima-facie appears that the Non-applicants treated the Applicant No.1 with cruelty and committed domestic violence against her.

18. The Applicant No.1 contended that she has no any earning source to maintain herself and her child. She is living her life on the mercy of her parents, therefore, she is claiming interim maintenance from the Non-applicant No.1. The matrimonial relation between the Applicant No.1 and Non-applicant No.1 is still in existence therefore, it is a moral and lawful duty of the Non-applicant No.1 to maintain the applicants as his wife and daughter. The applicant and non-applicant both have filed the Affidavit in respect of the assets and liabilities.

19. The applicant submitted that the non-applicant No.1 is running the poultry farm and also doing farming. Out of the said business, the non-applicant earns Rs.40,000/- (Rupees Forty Thousand Only) to Rs.50,000/- (Rupees Fifty Thousand Only) per month. In support of this contention no any document is filed by the applicant on record. On the contrary the Non-applicant No.1 submitted his monthly income is Rs.6,000/- (Rupees Six Thousand Only) to Rs.7,000/- (Rupees Seven Thousand Only), from the labour work.

20. The Non-applicant No.1 submitted that he is doing the labour work and his parent are dependent on him therefore, he is not able to provide, maintain to the applicants. But at this stage it prima-facie appears that the Non-applicant committed a domestic

violence against the Applicant No.1 and therefore applicants are residing separately. Non-applicant No.1 deserted the applicant No.1, she has no any earning source to maintain herself and her daughter Applicant No.2. Therefore, she is entitled for the interim maintenance.

21. Though Applicant has not filed any document on record to prove the income of the Non-applicant No.1. But the Non-applicant No.1 himself submitted that he is doing a labour work and he earns Rs.6,000/- (Rupees Six Thousand Only) to Rs.7,000/- (Rupees Seven Thousand Only), per month. Today the labor charges are not so low, any well-bodied person can easily earn Rs.400/- to 500/- per day from the labour work. However, considering the increase in the prices of essential commodities, so also the considering the age of Applicant No.2 and her needs and earning of the Non-applicant No.1, I am of the opinion that it will be proper to grant the interim maintenance of Rs.2,000/- (Rupees Two Thousand Only) to the applicant No.1 and Rs.1,000/- (Rupees One Thousand Only) to the Applicant No.2 for their livelihood and daily maintenance. Accordingly I answer point No.1 and 2 in affirmative and in answer of point No.3, I proceed to pass following order:-

ORDER

1. Application Exh.04 is hereby partly allowed.

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2. Non-applicant No.1 is directed to pay interim maintenance per month of Rs.2,000/- (Rupees Two Thousand Only) to the applicant No.1 and Rs.1,000/- (Rupees One Thousand Only) to the applicant No.2 from the date of filling of this application till the disposal of main application.
3. Copy of Order be supplied free-of-cost to the applicant.

Parseoni
Dated :- 16/05/2025

(G.O. Wankhade)
Judicial Magistrate First Class,
Parseoni