

Misc.Criminal Application No.123/2021  
Sarika Vs Vishal

**ORDER BELOW EXHIBIT – 6**

(Passed on 1<sup>st</sup> day of December,2023)

1. The applicant has filed this application for grant of interim maintenance from the non-applicant no.1 to the tune of Rs.6,000/- per month.
2. The facts of applicant's case, in short, are as under:-  
Applicant no.1 and non applicant no.1 are spouse. Applicant no.2 is born out of said wedlock. . After marriage, the non-applicant no.1 treated the applicant well for some days and thereafter he started misbehave and ill treatment to her physically and mentally. The non applicant no.1 to 5 tortured the applicant mentally and physically. Non-applicant no.1 was snatching earned money from applicant no.1, which was earned from labour work. Applicant no.1 was threaten to bring money from her partents by non applicant no.1. Some time applicant no.1 was used to keep starvation. Non applicant no.1 used to shout on applicant after heavy drink. Applicant no.1 has blister on her breast. All the non-applicants used to beat the applicant. Since then the applicant is living at the house of her parents.
3. Non applicant no.1 to 5 are failed to file reply. Hence application proceeded without say.
4. Heard Adv. Sayare P. S. for the applicant
5. Following points are formulated for my determination and I

record my findings against each of them for reasons to follow:-

S.N.	Points	Findings
1.	Whether the applicant is entitled for interim maintenance?	...Yes.
2.	Is applicant entitle for maintenance of Rs.6000/- per month from non- applicant no.1?	In partly affirmative upto Rs.2500/- p.m.
3.	What order?	Application is partly allowed as per final order.

### **REASONS**

#### **As to point no.1:-**

6. Relationship between applicant and non-applicant is not disputed before me. Even it is came on record that, applicant and non-applicant no.1 has one daughter out of said wedlock. On perusal of documents filed by the applicant, it would show that, they were married on 05-05-2019. Applicant started living separately after few months of marriage. No medical proof brought on record that, applicant is suffering from any breast problem. Prima facie allegations would show that, applicant no.1 was subjected to harassment by her in laws. It is appears that, applicant is living separately from non applicant no.-1 and she is depending upon her parents. She has no independent income.

7. Non-applicant no-1 is bound to maintain his wife and daughter. The applicant has not brought cogent proof regarding independent income of non –applicant no-1. In such circumstances, it is apt to assume notional income to the extent of Rs. 10,000/- and grant maintenance amount on proportionate basis. ie 1/4th, it would be 3000/- per month. Both applicants needs meet to daily expenses like

food, medicine and other daily needs etc. Therefore she is entitle for maintenance from non-applicant no.1. Hence answer of point no.1 is given in affirmative and answer of point no.2 is given in partly affirmative.

**As to point no.3:-**

8 In view of finding of point no.1 and 2, I am come to conclusion that, application is deserved to be allowed partly, and applicant is entitle for maintenance of Rs.2500/- per month from date of the filing of application. Hence, I record my findings as against point no.2 accordingly and proceed to pass the following order :-

**ORDER**

1. The application for grant of interim maintenance filed by the applicants vide Exh.6 is partly allowed.
2. The non-applicant no.1 is hereby directed to pay Rs.2500/- (Rupees two thousand five hundred only) per month to the applicant for her interim maintenance from the date of this application, till the disposal of main application.
3. The copy of this order be supplied to the applicant free of costs.
4. Both the parties are directed to cooperate for expeditious disposal of this matter.

Parseoni.  
Date:-01-12-2023

(O.J. Kulkarni)  
J.M.F.C.Parseoni