

MHNG180000632020



Cri. M. A. No. 04/2020

Shilpa @ Sunita Dheeraj Jadvah  
and 1 -Vs- Dheeraj @ Sagar  
Govindrao Jadhav

**ORDER PASSED BELOW EXH. 5**

This is an application moved by applicant No.2 through her next friend Shri Diwakarrao Marotrao Shinde for grant of interim maintenance from non-applicant. Perused the application. Heard learned Advocate for the applicant.

2. Admittedly, applicant No.2 is daughter of non-applicant, the applicant No.1 deceased Shilpa was residing with the non-applicant after marriage.

3. Applicant No.2 has contended that, the non-applicant subjected the deceased applicant No.1, to cruelty and deserted applicants without any reason. Applicant No.1 with applicant No.2 had been residing at her maternal house. She had no source of income and she was unable to maintain herself. Therefore, she had filed application for maintenance of herself and applicant No.2. However, applicant No.1, died during the pendency of the matter. Thereafter, the grandfather of the applicant No.2 was added as next friend of applicant No.2.

4. The non-applicant has not filed his say inspite of sufficient opportunities. Therefore, no-say order passed against him.

5. It appears from the record that, the applicant No.2, is 3 years old

girl child, residing with her maternal grandparents. Her mother died during the pendency of this matter, her father i.e. non-applicant is neglecting to maintain her. As per applicant No.2 the non-applicant is able bodied person. He is working as sells officer at Berar Finance Ltd. Company, showroom of Honda two wheeler motorcycles situated at Dist. Wardha and getting salary of Rs. 25,000/- per month. Beside that non-applicant is working as Village Police Patil on part-time and getting the salary of Rs. 10,000/- per month. The total income of non-applicant is about to Rs. 35,000/-. It is for the non-applicant to appear and file his say to this application, but non-applicant has not filed his say to this application. Therefore, the submission of the applicant is remained unchallenged.

6. It prima facie appears that the non-applicant subjected the applicants to cruelty and deserted applicants without any reason. They were living separately, the non-applicant has not giving any amount to applicants for their maintenance. Applicant No.1, died during the pendency of the matter. Since applicant No.2, is in the custody of her maternal grand parents and the non-applicant has not taken any step to take custody or to maintain her till date. The non-applicant is physically fit and under legal obligation to provide maintenance to the applicant No.2. He cannot skip from his liability to pay maintenance on any ground. Moreover, much time will be required for final disposal of the present application.

7. Being father of applicant No.2, it is legal as well as moral duty of non-applicant to provide maintenance to applicant No.2. Considering the rates of essential commodities in the market, needs of applicant No.2, standard of living of parties, income of non-applicant, I conclude that an

amount of Rs. 3,000/- (Rs. Three Thousand Only) per month to applicant, will be sufficient, as interim maintenance till the final decision of the present application. Moreover, it would be just and proper to grant interim maintenance to applicant from the date of filing of this application i.e. from 06.01.2020. Hence, order-

**ORDER**

1. Application is allowed.
2. The non-applicant shall pay an amount of Rs. 3,000/- (Rs. Three Thousand Only) per month to applicant No.2 per month, as interim maintenance from the date of filing this application i.e. 06.01.2020 till final decision of present application.
3. Next friend of applicant No.2 i.e. Shri Diwakar Marotrao Shinde age 40 yrs, R/o Borgaon(Khurd) Tah and Distt. Nagpur shall receive amount of maintenance on behalf of applicant No.2.
4. Applicant No.2, shall adduce her evidence through her next friend on next date, without fail, otherwise necessary order will be passed against her.

Kalmeshwar.  
Date : 04/10/2021

**(J. D. Hushangbade)**  
Judicial Magistrate First Class,  
Kalmeshwar.

**CERTIFICATE**

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

(Dilip S. Khorgade)  
Stenographer (Lr.Gr.)

**Endorsement**

Case argued on	:	25/08/2021
Order dictated on	:	28/08/2021
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-Vs- Dheeraj @ Sagar dt 04-10-2021 .odt