

MHNG180006592022



Cri. M. A. No. 80/2022

Sau. Sayma Begam Ashpak Pathan & Ors.

-Vs-

Ashapak Mustafa Pathan

ORDER PASSED BELOW EXH. 5

(Passed on 04th October, 2022)

- 1] This is an application moved by applicant for grant of interim maintenance from Non-applicant. Perused the application and say. Heard Ld. Advocates for both the parties at length.
- 2] Admittedly, applicant is wife of Non-applicant No.1 and applicant No.2 is his daughter. The application prima-facie discloses that after marriage the applicant was residing with the Non-applicant, the Non-applicant has deserted the applicants. Moreover, the allegations also prima facie discloses the acts of domestic violence by the opponents.
- 3] Much time will be required for final disposal of the present application. Admittedly applicant is living separately from Non-applicant. Applicant has contended that she has no source of income and she is unable to maintain herself. The applicant has also filed an affidavit in support of her contentions.
- 4] Non-applicant has contended that applicant has source of income but no document is produced to that effect. Hence, at this juncture, it cannot be accepted.
- 5] Applicant has also stated on oath that, Non-applicant No. 1 is a business man and he is earning income from business of cotton of Rs. 15 Lacs to 20 Lacs per annum. It appears that Non-applicant No.1 is physically fit and

under legal obligation to provide maintenance to the applicants. He cannot skip from his liability to pay maintenance on any ground.

6] Being husband of applicant No.1 and father of applicant No.2 , it is legal as well as moral duty of opponent to provide maintenance to them. Considering the rates of essential commodities in the market, needs of applicants, standard of living of parties and income of opponent, I conclude that an amount of Rs.2,500/- (Rs. Two Thousand Five Hundred Only) per month to applicant No.1 and an amount of Rs. 2,500/- (Rs. Two Thousand Five Hundred Only) per month to applicant No.2, 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 main application i.e. from 12.05.2022. Hence, order.

ORDER

1. Application is partly allowed.
2. Non-applicant No.1 Ashpak Mustafa Pathan shall pay an amount of Rs. 2,500/- (Rs. Two Thousand Five Hundred Only) per month to applicant No.1 Sau. Sayma Begam Ashpak Pathan and an amount of Rs. 2,500/- (Rs. Two Thousand Five Hundred Only) per month to applicant No. 2 Ku. Aamayra Ashpak Pathan as interim maintenance from the date of filing of main application i.e. 12.05.2022 till final decision.
3. The applicant shall adduce her evidence on next date, without fail, otherwise necessary order will be passed against the applicant.

Date : 04.10.2022

**(Smt. J.D.Hushangabade)
Judicial Magistrate First Class,
Court No. 1, Kalmeshwar**

CERTIFICATE

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

(R.S. Daware)
Stenographer (Gr. III)