

MHNG180012152020

**Cri. M. A. No. 294/2020****Sau. Damini Nilesh Kamde & Ors.****-Vs-****Shri Nilesh Shailendra Kamde & Ors.****ORDER BELOW EXH. 4****(Passed on 10<sup>th</sup> January, 2023)**

- 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 & 3 are his Sons. 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 & her sons. 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 well educated and his earning income of Rs. 25,000/- per month and Rs. 3,00,000/- from agriculture 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 Nos.2 & 3 , 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.2,000/- (Rs. Two Thousand Only) per month to applicant No.1 and amount of Rs. 1,000/- each (Rs. One Thousand Only each) per month to applicant Nos.2 & 3 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 02.11.2020. Hence, following order.

### **ORDER**

1. Application is partly allowed.
2. Non-applicant No.1 Nilesh Shailendra Kamde shall pay an amount of Rs. 2,000/- (Rs. Two Thousand Only) per month to applicant No.1 Sau. Damini Nilesh Kamde and an amount of Rs. 1,000/-each (Rs. One Thousand Only each) per month to applicant No. 2 Tirth Nilesh Kamde and applicant No. 3 Vihan Nilesh Kamde as interim maintenance from the date of filing of main application i.e. 02.11.2020 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 : 10.01.2023**

**(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)