

MHNS050002102024



**PWDVA NO. 132/2024**  
**Dipali Sanjay Abhang Vs**  
**Sanjay Mahadu Abhang**

**ORDER BELOW EXH.5**

1. The applicant has filed an application to claimed relief u/s. 12(i), 17, 18, 19, 20, 22, 23 of the Protection of Women from Domestic Violence Act, 2005.

2. The applicant has filed an application seeking interim maintenance from the non-applicant. It is submitted by the applicant that applicant no.1 is the legally wedded wife of the non-applicant no.1, and applicant nos. 2 and 3 are their children. It is further submitted that her daughter Chaitanya is seven years old and son Abhinandan is five years old. After their marriage applicant no. 1 went for co-habitation at her matrimonial home in joint family at village Vinchur Dalvi Tal Sinnar, Dist. Nashik. Initially, nine years the non-applicant treated her well. However, non-applicant no. 1 thereafter started to ill-treat her. They used to doubt on her character. They used to beat her

without any reason. She was not allowed to have food with along with other family members. The non-applicant no.1 is having extra marital relationship. Therefore, he never look after to the applicant and her children. In her application she alleged physical violence against the non-applicants. She further contends that as the main application would require time to decide on merits. As she has no source of income. Therefore, she has claimed interim maintenance from the non-applicant as he is doing transport of vegetable and earns Rs.1,40,000/- Therefore, she prayed for Rs.15,000/- per month interim maintenance to each applicant.

3. The non-applicant filed reply to the application at Exh. 26. They have denied all averments in the application, except the relationship between the applicants and non-applicant. The non-applicant submitted that the applicant no. 1 is having quarrelsome nature. They never ill-treated her. She wanted to run business of cosmetics and cloth center and for that purpose the non-applicant no. 1 financially help her. In spite of giving her financial help, she again demanded money from the non-applicant no.1 to run a business. There was no profit from the business.

Time to time the non-applicant no. 1 send money to her phonepe. However, she did not return a single pie to the non-applicant no.1. Several times the applicant insults the non-applicant no. 1. She has lodged false report against them. Therefore, she is not entitled for any kind of maintenance. As the non-applicant no. 1 is a labor. Therefore, he is not able to give maintenance to the applicants.

4. Heard both sides. Perused the documents. Upon perusal of the pleadings and considering the prima facie material available on record, this Court finds that the relationship between the parties is not disputed. Prima facie there are non cognizable reports lodged against the non-applicants. The applicant has claimed several relief under this act. However, it is required to be decided on merits. It requires time. Prima facie the applicants have no independent source of income. The applicant alleged that the non-applicant no.1 earn Rs. 1,40,000/- per month from the business. However, there are no documents on record to show the income of non-applicant no.1 Therefore, considering the average income of the non-applicant no.1 following order will meet end of justice.

5. Considering the facts and circumstances, this Court deems, it appropriate to direct the non-applicant to provide interim maintenance as follows.

6. The non-applicant shall pay a sum of Rs.3000/- per month to Applicant No.1. The non-applicant shall pay a sum of Rs.2000/- per month to each of Applicant Nos. 2 and 3 for their education, food, and other essential needs till final disposal of the application from the date of this application.

Date: 23.04.2025

(N.K.Meshram)  
Judicial Magistrate First Class,  
(Court no. 2) Nashik-Road