

MHNS100002462025

Exhibit No. : 10

Presented on : 20.02.2025

Registered on : 20.02.2025

Decided on : 20.04.2026

Duration : Years-Months-Days
01 01 29**IN THE COURT OF ADDITIONAL SESSIONS JUDGE -1****AT : NIPHAD****(Presided over by Abdussalam A.A.Shaikh)****CRIMINAL APPEAL NO. 12 OF 2025**

Shri. Amol Gorakshnath Dangale]
Age : 26 Yrs., Occ. : Farmer]
R/o. Nandur Madhyameshwar]
Tal. Niphad, Dist. Nashik] **Appellant**

Versus

Sau.Monali Amol Dangle]
Age : 25 Yrs., Occ. : Private Job]
R/o. C/o. Madhukar Anaji Nyaharkar]
Vahegaon Sal, Tal.Chandwad, Dist.Nashik] **Respondent**

Appeal against the order dated 21.06.2024 passed below Exh.04 by learned Judicial Magistrate, First Class, Chandwad in P.W.D.VA Appln. No.01/2024.

Shri. D.B.Vyavahare, Advocate for Appellant.

Sau. A.D.Nimse, Advocate for respondent

J U D G M E N T(Delivered on this 20th day of April, 2026)

1. By filing this appeal under Section 29 of The Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as 'The Act' for the sake of brevity,) the appellant has challenged the order dated 21.06.2024 passed below Exh.4 in PWDVA Appln. No. 01/2024 by the Ld. Judicial Magistrate, First Class, Court Chandwad, whereby the appellant is directed to pay Rs.3,000/- per month to respondent as interim maintenance from the date of the order.

2. Parties shall be referred to as per their status before the Ld. Trial court. Respondent is applicant whereas appellant is respondent No.1. Other relatives of the appellant were also made parties as respondent Nos.2 to 6.

3. By filing that application under Section 23(2) of The Act, applicant prayed for interim maintenance of Rs.25,000/- per month on the ground that she is legally wedded wife of respondent No.1 and that respondent No.1 and other respondents committed domestic violence on her and forced her to go out of the house and therefore, she has been residing in her parents house and that respondent No.1 has never provided maintenance to her.

4. Respondent No.1 by filing his say admitted his relationship with the applicant but denied all the allegations of domestic violence. It is therefore submitted that application may be rejected. The Ld. Trial court after hearing both the sides, passed impugned order. Being aggrieved this appeal is filed.

5. I have heard both the sides and perused the paper book. I have also perused the impugned order passed by the Ld. Trial court.

6. Following points arise for my determination and I have noted my findings against it for the reasons to follow :-

POINTS**FINDINGS**

- | | | | |
|----|--|----|--------------------|
| 1] | Whether any interference is required in the impugned order passed by the Ld. Trial court ? | .. | Yes |
| 2] | What order ? | .. | As per final order |

REASONS**As to Point Nos. 1 and 2 :**

7. It is argued by the Ld. Advocate for respondent No.1 that without obtaining from both the parties, affidavit in respect of income, assets and liabilities as per the direction of Hon'ble Supreme Court in the case of **Rajnish vs. Neha, reported in (2021) 2 SCC 324** the Ld. Trial court decided the interim maintenance application. It is therefore, submitted that appeal may be allowed.

8. On the other hand, it is argued by the Ld. Advocate for the applicant that Ld. Trial court passed just amount of maintenance by giving just and proper reason. When this court asked the Ld. Trial court as to whether affidavit in respect of income, assets and liabilities were filed by the parties before the Ld. Trial court the Ld. Advocate could not give satisfactory answer on this point and the matter was adjourned on that day. But thereafter the Ld. Advocate for the applicant remained absent and therefore, matter was posted for Judgment. It is therefore, submitted that appeal may be dismissed.

9. I have perused the impugned order. In para Nos. 4 and 5 the Ld. Trial court observed as under :

“04. I considered submissions of both parties. It is mentioned in application that, the applicant is residing separately from non-applicants, same is not denied in the Say by the non-applicants. The

relationship between parties is an admitted fact. Furthermore, it is also not denied specifically by the non-applicants that applicant resided with him for considerable period of time. Therefore, at this juncture when evidence is yet to be led by both the parties, it would not be reasonable and justifiable to hold that the applicant is not entitled for interim maintenance. Furthermore, the fact of domestic violence requires evidence, which will take considerable time. Therefore, considering the allegations made in the application, at this initial stage, I am prima-facie of a view that applicant is entitled for interim maintenance.

05. I considered pleadings of both parties in respect of quantum of interim maintenance. The question whether non-applicants No.1 has earning sources, requires evidence. Therefore, though there is nothing on record regarding the earning source of non-applicant No.1, his physical capability can be constructed as his earning capacity at this stage. Non-applicant No.1 is a able bodied person and physically fit for doing number of works and being admitted his relationship with the applicant, it is his responsibility to maintain her. Considering day to day expenses and status of parties, I am of opinion that Rs.3,000/- per month would be sufficient as interim maintain to applicant. Accordingly, I proceed to pass following order. ”

10. There is nothing to show that the Ld. Trial court before passing the order on the application of interim maintenance directed the parties to file on affidavit information about their income, assets and liabilities as prescribed by the Hon’ble Supreme Court in the case of Rajnish vs. Neha, reported in (2021) 2 SCC 324. Under the circumstances on this ground itself, the impugned order passed by the Ld. Trial court is required to be set aside and matter needs to be remanded to the Ld. Trial court for deciding the same afresh after directing both the parties to file their affidavit showing income, assets

and liabilities. Under the circumstances, my answer to Point No.1 is 'Yes'. My answer to Point No.2 is 'As per final order'.

11. For the reasons stated above, I pass following order :

ORDER

1. Appeal is allowed.
2. Order dated 21.06.2024 passed below Exh.04 in PWDVA Appln. No.01/2024, by the Ld. JMFC Court, Chandwad is hereby set aside and the matter is remanded to the Ld. Trial court for deciding the same afresh after directing both the parties to file their affidavit in respect of their income assets and liabilities as per direction laid down by the Hon'ble Supreme Court in the case of **Rajnesh** (supra).
3. Inform accordingly.

Date : 20.04.2026

Place : Niphad

(Abdussalam A.A.Shaikh)

Additional Sessions Judge-1,
Niphad.

CERTIFICATE

Certified to be true and correct copy of the original signed Judgment.

Name of the Stenographer	Smt. M.V. Ambekar
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Name of the Judge	Abdussalam A.A.Shaikh, Additional Sessions Judge-1, Tal. Niphad, Dist. Nashik.
Dictated on	20.04.2026
Transcribed on	20.04.2026
Checked on	20.04.2026
Signed on	20.04.2026