

ORDER BELOW EXH.5 IN M.A. NO.163/2017

(Vaishali Rushikumar Amale V/s. Rushikumar Ramesh Amale)

1. This is an application for interim maintenance filed under Section 23 of Protection of Womens From Domestic Violence Act, 2005.
2. The applicant contended that, she married with non applicant no.1 on 30/05/2014 and their marital relationship is still in existence. She contended that, the non applicants were demanding 5 Laks and illtreating her. Thereafter, she was driven out of the house and hence she compelled to live with her parents. She further contended that the non applicant No.1 is Doctor and he has lent 5 rooms on rent basis and he earns Rs.20,000/- per month rent amount. His father also earns Rs.15,000/- from the flowers business. Further, she is in need of Rs.15,000/- interim maintenance for herself.
3. The non applicants have filed their say below Exh.11 and denied the contentions of main application and interim application. The principal defence of the non applicant no.1 is that, the applicant was permitted to take M.A. education and the applicant on the name of education was not staying at home and used to leave the home on Sundays, due to this act the non applicant was mentally harassed. Further, the non applicant No.1 is taking treatment of Dr. Anand Patil and is not able to do any work and he has no income source and is ready to cohabit with applicant. Hence, prayed for rejection of application.
4. Heard the learned advocates for the parties. Perused the record. The relationship is not disputed by the parties. After perusing the entire contentions of the application it reveals that, there are prima facie some grounds of domestic violence. Applicant has on oath contended that the non-applicant No.1 is a Doctor and he also earns Rs.20,000/- as rent amount. She has filed the tax receipts of the house property below

Exh.15. After perusing the same it reveals that the house property stands in the name of non applicant No.3 i.e. mother of non applicant No.1. This contentions are denied by the non applicants. After perusing the say it reveals that, the non applicants has no where mentioned about the income source and nature of business of non applicant no.1. They have contended that, non applicant No.1 is suffering from mental disease but record shows that they have not filed any document to that effect. Admittedly, marital relationship exists between the applicant no.1 and non applicant no.1. Further, it is not the case of non applicant's that the applicants have source of income. Also the application prima facie discloses that, domestic violence has been committed. Then in above such situation and considering the basic needs of the applicant I hold that, the interim maintenance of Rs.1,300/- to applicant will be just and proper. Hence, I proceed to pass the following order.

ORDER

1. Application is partly allowed.
2. The non applicant no.1 is directed to pay interim maintenance of Rs. 1,300/- (Rs. One Thousand Three Hundred Only) to applicant from the date of filing the application.
3. Copies be provided to both parties free of cost.

(Dictated and pronounced in the open Court)

Date:-20/03/2018
Sinnar.

Sd/xxx
(V.S. Wagh)
Judicial Magistrate, F.C.,
Sinnar.