

<p>MHNS210009852020</p> 	<p>PWDVA No. 36 / 2020 Mita Kartik Avhad V/s. Kartik Sanjiv Avhad & Ors.</p>
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COMMON ORDER
(Below Exh. 03, 33)

1] These are the applications for grant of interim reliefs from opponent husband u/s 23 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred as 'DV Act').

2] The applicant/petitioner has made various allegations in respect of ill-treatment by the opponents. She married opponent no. 1 on 12.12.2019 at Nashik. Her parents bore all expenses of the marriage, in total Rs. 50 lacs and she also gave gold ornaments weighing 50 grms in total and useful household items. But opponent no. 1, in connivance with nos. 2 to 8, forcibly took all the said items from her and kept them in his possession. Opponents nos 9 to 14, despite knowing about the criminal and greedy nature of nos 1 to 8, have arranged her marriage by mediating in it.

After marriage, she went to the opponents for cohabitation and treated properly for initial days and thereafter started harassing her on raising demand of Rs. 50 lacs and gold bangles. They were treating her inhumanly, speaking very derogatory words. Her father

tried to understand them to not to bother her. However, they kept demanding money from her and kept abusing, beating and hunger to her. They threatened to lock her in a room and kill if she did not bring the money.

After 15 days of the marriage, one-day opponent no. 1 to 3 went out of the house. At that time, opponent no. 4, without considering the relationship he has with her, touched her body with bad intentions. When she resisted, he tried to strangle her with the *sari*. So she screamed and opponent no. 2 and 3 came there. But no. 2 pressed her mouth and threatened to kill her if she told anyone about the said incident. Opponent no. 3 also beat her with kick and fist.

The opponents were forcing her to take sleeping pills every day. This affected her health and she was always sleepy. Meanwhile, considering the debt her parents had taken for her wedding expenses and their distress over it, she endured all the hardships being inflicted on her by the opponents. However, there was no change seen in their nature. On 03.03.2020, opponent no. 1 to 4, 6 and 7 beat her cousin brother Darshan when he went to house of no. 6 & 7 to give the marriage card of his brother Uday. However, he did not lodge any complaint against the opponents so that she does not get hurt.

Later, her parents and cousin Darshan came to her to give the marriage card and take her for the wedding. But the opponents did

not allow them to enter the house. At that time, they again raised demand of Rs. 50 lacs at them and when refused, they took all her stridhan and threw her out of the house with the clothes on her person. This time she begged them for mercy. But since they showed no mercy, she had to her maternal home with her parents.

The applicant's mental condition deteriorated as a result the above-mentioned harassment the opponents caused her. However, she did not make any complaint against them at that time in order to keep her marriage alive. After that, she has to register a crime alleging an offence u/s 498 of the IPC against them for harassing her. As a result, they registered a false crime against her brother, making false allegations despite the fact that they had sold their machinery worth Rs. 42,00,000 to her brother. In this way, they have tortured her and caused her mental and physical suffering.

The applicant and her family make every effort to resolve the dispute. However, the opponents refused to take her with them. So she issued them a notice on 22.08.2020, asking them to take her to the home for cohabitation. However, they did not respond to the notice and refused to accept her.

She is now living with her parent, but her husband did not take any care or make any provision for her livelihood to meet day-to-day expenses. She has no sufficient source of income; therefore, she is

constrained to make the present application. On the contrary, her husband is a contractor and thereby earns Rs 3 to 4 lacs monthly. He owns flats in Kalyan worth at least Rs. 3 crores. His brother is also in business. But her husband avoided and neglected her in all respects. She therefore prayed for monetary relief of Rs. 35,000/- and monthly rent of Rs. 20,000/- per month and, by way of another application, an order to reside in a shared household or residence order in view of the provisions of section 19 of the DV Act.

3] In reply of the notices, oopponents nos. 1 to 4 have appeared through their learned counsel and filed their common say at Exh. 35 and nos. 3 & 4's common say on another application at Exh. 39. They have, though, admitted relation with the applicant and the fact that she is now living separately from the parents, denied all allegations of domestic violence made against them. They have specifically contended that she has made a concocted story with the intention to harass them, as opponent no. 3 lodged crime bearing no. 883/2020, alleging offences u/s 420, 406, 467, 468, 470, 471, 474, 120(b) r/w 34 of the IPC against her parent, brother and uncle. She has filed a present petition to keep their mouths shut about whatever she wants as per her whims and fancy and also to keep shut all the things which she and her family members have done against them. She herself harassed them, raising demands either of a flat or Rs. 25,00,000/-

from time to time. She herself left the house with her family members. She herself has taken all her *stridhan* and gone to her maternal house with her parents. She herself refused to observe marital obligations and cohabited with them for very few days after marriage. She has owned a house having all facilities and agricultural and other immovable properties. She is doing beauty parlour and hotel business and thereby getting a monthly income of Rs. 50,000/- therefore, she is not entitled to any relief sought. The Civil Court, Senior Division, Malegaon has granted her an interim monetary relief of Rs 15,000/- in a Hindu Marriage Petition bearing no. 269/24. She has also claimed counter relief of the same nature in present both applications and therefore, prayed for rejection of the applications.

4] The points for determination along with findings thereon for the reasons to follow as under :

Sr. No.	Points	Findings
1	Is the applicant entitled to interim reliefs from the opponent husband as sought?	No
2	What order?As per final order.

REASONS

5] Heard both sides and perused application, documents and assets and liabilities affidavits filed by both parties. The applicant

specifically relied on the documents of the copies of pock land machine purchase deed, copies of FIR in a crime bearing no. 33/2025 alleging offence u/s 406, 409, 420, 34 of IPC and copies of the complaint made to a Chairman of Women Dispute Resolution Centre, Malegaon dated 21.10.2020.

Ld. Counsel for the applicant relied on the judgments of Smt. **Chandana Guha Roy Vs Goutam Guha Roy**, reported in AIR 2004 CAL 36, in which the Hon'ble Calcutta High Court affirmed that a wife's meager income from part-time work or support from her parents does not disqualify her from receiving interim maintenance under Section 24 of the Hindu Marriage Act. The husband was ordered to pay Rs. 1,800/month plus litigation costs and **Rajnish vs. Neha** [(2021) 2 SCC 324], in which the Hon'ble Apex Court's guidelines mandate that both parties in maintenance cases file a "Mandatory Affidavit of Disclosure of Assets and Liabilities" to prevent income concealment. The guidelines include awarding maintenance from the date of filing petition/application, deciding interim applications within certain days, avoiding multiple deductions and considering factors like standard of living, age, and employment.

On the other hand, the opponents relied on the documents of copies of FIR in a crime bearing no. 883/2020, copy of statement of

Srhi Appasaheb Vishnu Darade by PSI Ganesh Jamble on 15.10.2020, copies of a Hindu Marriage Petition bearing no. 269/2024 filed by the opponent Kartik against applicant Meeta and 7/12 extracts of the immovable properties bearing gat no. 359/4/A/9, 359/4/4/B/Plot/1, 361/1/B, 361/5 all located at Manmad.

Ld. Counsel for the opponents relied on the judgment in a case of Sahil Sanjay Rathod & ors Vs Swati Sahil Rathod, (Criminal Writ Peition No. 594/2023, decided on 18.10.2023), in which the Hon'ble Court observed that the court must prima facie be satisfied based on the material on record that a case of domestic violence exists.

AS TO POINT NO. 1 & 2:

6] The applicant has filed a main petition seeking various relief u/s 12 of the DV Act. Through these applications, she has claimed interim maintenance of Rs. 35,000/- per month to meet her daily needs and to pay monthly rent of Rs. 20,000/-, and by way of another application (Exh. 33), claimed the right to reside in a shared house and a residence order. It is to be noted here that whether the opponents have committed acts of domestic violence as alleged or not, as denied by the opponents, will only be decided after full-fledged evidence by both the parties. However, from the pleadings and documents filed on record, it prima facie appears that the

applicant is the legally wedded wife of opponent no. 1. It further appears that she is now living separately with her parent. The maintenance of a wife by her husband is, of course, a matter of personal obligation, which attaches from the moment of marriage. The word 'domestic violence' includes economic abuse. However, it is necessary to look at the other connected facts along with prima facie proof of domestic violence. It is necessary to see at this point whether or not she can be granted the reliefs sought.

7] Ld. Counsel for the applicant argued that the applicant has no sufficient source of income therefore, she is unable to maintain herself. The lands shown in the revenue documents filed by the opponent on record are not owned or possessed by her today. However, the opponent husband is doing business and has owned the pockland and other machines and even the Civil Court, Malegaon in its order in the marriage petition stated above. It has been mentioned that he is earning hands and has owned machinery worth crores of rupees. In this case, he has also shown that he owns a flat. Per contra, Ld. Counsel for the opponents argued that the Civil Court, Malegaon, has granted her monthly maintenance of Rs. 15,000/- in the above-stated case. She has deliberately concealed this fact in her assets and liabilities affidavit. She also has immovable properties, including a flat, in her name and therefore, she has no reason to claim monetary

relief in addition to the above amount. On the contrary, she and her family tried to usurp the machinery of the opponent. So opponent Sanjiv lodged a police report against them. The case in this crime is pending in Manmad Court therefore, she has filed this false case with the intention of harassing them and is misusing the law. She has made parties nos. 5 to 14 when they have no connection with the allegations therefore, she is not entitled to monetary relief as claimed.

8] It is the admitted position that the applicant has not been living with the opponent husband and that he has not made any arrangements for her maintenance. However, it is also on record that in her favour, the Civil Court Senior Division of Manmad has passed an interim maintenance order of Rs 15,000/- per month against the opponent husband in the above-stated marriage petition. She did not mention this fact in her assets and liabilities affidavit. The revenue documents, i.e., 7/12 extracts filed on record by the opponents, show that she has immovable properties, including a plot, in her name. This fact is also not mentioned in her assets and liabilities affidavit. It appears that these 7/12 extracts/documents were taken online recently in March 2026. Also, as argued by her Ld. counsel, if the said immovable properties are not in her name today, then in whose name were they transferred or mutated and how? There is no record of

that. It further appears that she, in the said assets and liabilities affidavit, in place of printed text of property information of the applicant, has written the title of the opponent's property in handwriting and described his income and properties in it. In fact, it was necessary to provide information regarding her income and properties, movable and immovable, in this place or column. But it appears she avoided it.

9] Apart from this, the applicant stated that her husband earns Rs 3 to 4 lacs per month. However, no evidence has been brought on record regarding this. His income does not show that much in the income tax returns filed on record by him. It has come on record that he has machinery for contract work. But, again, the question is that there is nothing on record regarding how much income he earns from it. It appears that the Civil Court has decided the interim maintenance amount in the marriage petition after considering his capacity on the basis of the machinery he owned or could earn.

10] She has also claimed the right to live in a shared house and pay an alternate monthly rent of Rs. 20,000. However, she had lived with opponents for a very short period of time as the facts came on record. Also, as she alleges, she has suffered a lot of inhumane torture from the opponents specifically, opponent no. 4 tried to commit

wrongdoing with her or violate her modesty and also, the criminal proceedings are pending against each other. In such a situation, it is not in the best interest of the applicant to try to or reside in a shared house with the opponents. She is accusing the opponents of being inhumane and cruel and is even willing to live with them in a shared house.

11] She has also prayed for a relief of monthly rent of Rs. 20,000/- for alternate accommodation. However, she has not brought anything on record regarding whether she has taken the home on rent or how or entered into any agreement in this regard. So it is not clear on what basis she is claiming a monthly rent of Rs. 20,000/-. Apart from this, she stated that she is currently living with her parent and record show that she owns the immovable properties including a plot.

12] In supra relied on *Ranjesh vs. Neha's case*; the Hon'ble Apex Court mandated that parties must file a detailed affidavit of disclosure of assets and liabilities to ensure transparency. The suppression of material facts in assets and liabilities affidavits under the DV Act generally disqualifies the applicant from equitable relief. In case in hand, the suppression is relating to material facts as discussed above, and therefore, the applications deserve to be rejected, as the applicant should have come to the court with clean hands. Furthermore, she has already been granted appropriate

interim monetary relief by the Civil Court in above stated marriage petition. Consequently, at this stage, there appears to be no necessity to grant any additional monetary assistance beyond what has been claimed in the present application (Exh. 3). In these circumstances, she is not entitled to the reliefs claimed in addition and specifically the relief of shared house and rent for alternate accommodation at least at present.

13] So far as concerned to the supra relied Chandana Guha's case, the applicant does not state that she is getting meager income from part-time work or support from her parents. On the contrary, she has not mentioned anywhere that she has any income. She has also mentioned in her assets and liabilities affidavit that she has no ancestral property or claim to any ancestral property. However, her monthly expenses are stated in her assets and liabilities affidavit to be Rs. 50,000/-. However, the details of the said expenses have not been given and it has not been mentioned anywhere from the specific income she is meeting the said expenses. As discussed above, the Civil Court, Malegaon has already awarded/ordered appropriate interim maintenance in her favor as she is living separate and her husband made no provisions for her daily needs.

14] Ld. Counsel for the applicant also argued that the said above interim order of the Civil Court, Malegaon is not final and is for the

period till the outcome of that case, what happens after that? Needless to mention here that in view of provisions of section 25 of the DV Act, orders including maintenance can be changed, modified or revoked if there is a 'change in circumstances' and either the aggrieved person or the respondent can apply for this modification by proving the altered circumstances. Therefore, the applications cannot be granted, especially since sufficient monetary relief order has been passed in her favor by the Civil Court in the marriage petition. In cumulative effect of above discussions, I have answered point no.1 accordingly and in answer to point no. 2, the following order :

ORDER

- 1] The applications are rejected.
- 2] The copies of the order be given to the applicant free of cost immediately.

Sd/--

(H.B.Pardeshi)

Date : 16.03.2026.

Extra Jt. CJJD & JMFC, Manmad.

::14::

PWDVA No. 36 / 2020

CERTIFICATE

I affirm that, the contents of this PDF are same words for words, as per the original judgment.

Name of Stenographer/clerk : S.A. Pathan (Jr.clerk)

Name of Court : Extra Jt. Civil Judge (JD) & JMFC, Manmad.

Upload on date : 16.03.2026.

Signature of steno