

ORDER BELOW EXH.NO.4 IN PWDV APPEAL NO.9/2025
(CNR No. MHOS050006122025)

The appellant has filed this application to stay order passed by the learned trial Court allowing application for interim maintenance.

2. In short it is contention of the appellants that the respondent is wife of appellant No.1 Harshal. The respondent filed petition under section 12 of the Protection of Women from Domestic Violence Act before learned Additional Chief Judicial Magistrate Court at Omerga. The learned trial Court on 19.06.2025 passed order allowing interim maintenance application filed by the respondent. It is alleged that the impugned order is illegal and passed without considering documents and factual circumstances on record. The interim maintenance order is exorbitant and hence liable to be stayed till final decision of the appeal.

3. The respondent filed say and strongly objected the application. It is contended that learned trial Court after considering all the facts and circumstances on record allowed the interim maintenance application on merits. The appellant has not paid any amount towards interim maintenance of the respondent. Appellant No.1 is working as Staff Engineer in Moneylion company at Malaysia and getting salary of Rs.6,00,000/- per month. In the circumstances, it is prayed that the

application may be rejected.

4. Points for determination alongwith my findings thereon are as under -

Sr.No.	Points	Findings
1.	Whether the impugned order is liable to be stayed till final decision of the appeal ?	Yes. With conditions.
2.	What order ?	As per final order

REASONS

AS TO POINT NO.1 & 2 :-

5. Learned advocate for the appellants submitted that the impugned order is illegal and erroneous. Appellant No.1 has lost the job and now he is not earning anymore. On the other hand the respondent is working in M/s. Airasia Technology Centre India Private Limited and drawing basic salary of Rs.1,05,000/-. The respondent has suppressed this aspect while filing assets and liability affidavit before the learned trial Court. He submitted that the interim maintenance amount granted by the learned trial Court is exorbitant. On the other hand learned advocate for the respondent supported the impugned order. He submitted that the impugned order was passed after hearing the appellant and after considering all the documentary evidence as well as circumstances on the

record. Hence, the impugned order is not liable to be stayed.

6. I have gone through the impugned order. It is not disputed that the respondent is Engineering graduate in Electronics. Learned trial Court observed that the respondent was doing job in private companies and getting salary. However, the respondent is now living with her parents at Gunjoti, Tq.Omerga and she is homemaker right now. She is not earning. The learned trial Court as per order dated 19.06.2025 granted interim maintenance of Rs.20,000/- per month from November-2024 till final disposal of the case.

7. The appellant has obtained information from Employees Provident Fund Organization, regarding contribution of the respondent to the EPF. The information was received to the appellant on 23.05.2025. It appears that during course of hearing on Exh.11, the said information was not produced on record for perusal of the respondent and learned trial Court. Thus, the respondent did not get opportunity to put her stand on the said information in the trial Court. In such circumstances, the said document can not be relied upon at this stage.

8. Learned trial Court has granted interim maintenance of Rs.20,000/- per month from November-2024. Admittedly, the appellant has not deposited or paid any amount of interim maintenance to the

respondent. Learned trial Court has granted interim maintenance after hearing both the parties. In such circumstances, pending disposal of the appeal unconditional stay to the execution of impugned order cannot be granted. The appellant will have to pay 50% of arrears of interim maintenance amount and shall also pay Rs.10,000/- p.m. to the respondent from November-2025 till final decision of the appeal. With this discussion I answer point No.1 accordingly and in answer to point No.2 to pass following order -

ORDER

1.	The application is allowed in following terms -
2.	Execution and implementation of the order dated 19.06.2025 passed below Exh.11 is stayed till final decision of the appeal subject to the condition that the appellant shall deposit in the Court or pay to the respondent, 50% of arrears of interim maintenance till 31.10.2025. The interim maintenance paid till today (if any) liable to be deducted from the arrears of maintenance.
3.	The appellant shall pay to the respondent Rs.10,000/- p.m. from November-2025 till final decision of the appeal.
4.	In the event of failure of the appellant to pay arrears of maintenance and interim maintenance amount as above, the interim stay to the impugned order shall vacate automatically.

5.	On deposit of the amount as above, the respondent is entitled to withdraw the amount.
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Date :- 18.10.2025

(Mangesh R. Deshpande)
Additional Sessions Judge, Omerga.

CERTIFICATE

I affirm that, the contents of this P.D.F. file Judgment/order are same, word to word, as per the original Judgment/order.

Name of Stenographer	--	Shriram H. Kale, Stenographer (Grade-I)
Court	--	Additional Sessions Court, Omerga.
Date	--	18.10.2025
Order signed by the Presiding Officer on	--	18.10.2025
Order uploaded on	--	18.10.2025