

IN THE COURT OF METROPOLITAN MAGISTRATE
66TH COURT, ANDHERI MUMBAI

C.C. NO. 154/DV/2018

Nasreen Yasin Shaikh

...Applicant

v/s.

Yasin Mukim Shaikh and Ors.

...Respondents

ORDER BELOW EXH.4
(INTERIM APPLICATION)

Read the application, say of the respondent. Heard Ld. Counsel for the applicant at length. Ld. Counsel for the respondent is absent when called for argument.

2. It reveals that the applicant has made this application for grant of maintenance and other reliefs.

3. The relation in between the applicant and respondents are not in dispute. It is also not disputed fact that previously the application of the same nature was allowed and directing the respondent to pay Rs.5,000/-. It is also not disputed fact that thereafter the compromise in between the parties arise in Lokadalat and the matter was disposed off. It is also not disputed fact that the applicant filed present application under the Domestic Violence Act.

4. In short it is the case of the applicant that she was subjected to domestic violence by the respondents on account

of domestic issues as well as on account of misbehaviour. She made effort to cohabit with the respondents but of no use.

5. The respondents has denied the fact of committing domestic violence to the applicant and come with the case that no domestic violence as alleged by the applicant occurred as applicant not interested to cohabit with respondents so as to harass them and grab the house, amount from them. Further stated that it is applicant herself abused them and made demand of luxurious life and items which is not possible for the respondents. No offence as alleged by the applicant occurred, therefore pray to reject the application.

6. If considered these facts and undisputed facts and the fact of compromised earlier matter in between parties and the fact that applicant residing separately alongwith her child from the respondents. In these circumstances there exist domestic violence at the hands of the respondents because there was no reason to the applicant to reside separately or desert to respondent alongwith child unless she subjected to cruelty therefore residing separately from the respondent no.1. Previously Rs. 5,000/- was granted. If considered these facts and the year of passing of this order it was 2017, Rs.10,000/- p.m. is sufficient towards maintenance of the applicant, I am of view that the same is required to be granted.

7. Considering all these aspects, I am of view that prima facie there exist domestic violence at the hands of the respondent, therefore the protection order is required to be passed and restraining respondents from committing domestic violence in future.

8. So far as other reliefs are concerned the same be decided after fullfledged hearing. Accordingly I proceed to pass the following order:

ORDER

1. The application is partly allowed.
2. Respondent no. 1 Yasin Mukim Shaikh do pay the amount of Rs.10,000/- per month to the applicant towards maintenance from the date of this application till the disposal of main application.
3. Respondents are hereby restrained from committing domestic violence against the applicant in future.
4. Copy of order be given to both the parties free of cost.
5. Copy of this order be sent to PI of concern police station within whose jurisdiction the applicant resides.

Date : 11/09/2019

sd/-
(R.M. Nerlikar)
Metropolitan Magistrate
66th Court, Andheri, Mumbai