

MHOS150014092023 	PW.D.VA. No. 26/2023 Rajshree V/s. Rahul+3
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ORDER BELOW EXH. 05

1) This is an application preferred under section 12, 18, 19 and 20 of The Protection of Women from Domestic Violence Act, 2005 (hereinafter referred as “Act of 2005” in short) wherein the applicant is seeking for grant of interim maintenance of Rs. 20,000/- from non-applicant no. 1.

2) The brief facts of the applicant's case in short is that, the applicant is the legally wedded wife of non-applicant no.1 and non-applicants 2 to 4 are in-laws. Their marriage was solemnized on 28/12/2021 at Tal. Karmala, Dist. Solapur. After marriage, the applicant was ill-treated by the non-applicant no.1. The non-applicant no. 1 used to ask applicant to prepare non-veg food forcibly and also asked her to eat everyday despite she is a vegetarian and the same has been informed to non-applicants before marriage. The non-applicant no. 1 used to make unlawful demand of bringing golden locket weighing 20 Gms, giving abuses and assaulted her as no golden ornaments were given to him in marriage. The non-applicant no. 1 also used to throw plates and utensils, assaulted her for not washing the cloths of non-applicant no. 4.

3) It is specifically submitted that on 29/01/2023, when they were going to Shetfal Haveli to Shewalwadi on their two-wheeler, the non applicant no.1 intentionally committed their accident in such a way that he would not be injured. In that accident the applicant suffered fracture on left hand's small figure. Also, at that time the applicant got unconscious. The non applicant no. 1 did not take any necessary action which was expected and therefore, near-by people took her to Pyramid Hospital at Daund. On 31/01/2023, the brother of the applicant took her to Lotus Hospital, Pune and on 01/02/2023 to Kalbhor Clinic, Pune. The non applicant No.1 also insisted the applicant not to tell about accident to her mother. Accordingly, she did not inform about incident to her mother and despite that the non applicant no.1 started quarreling with her mother. On 21/02/2023, the non applicant no.1 on the pretext of ornaments he drove the applicant out of his house.

4) The applicant stated that she is need of money for routine life. She has no source of income as she had already resigned her job due to injury suffered in accident and therefore, she is unable to maintain herself. She requires minimum Rs. 20,000/- per month to fulfill her basic needs. The non-applicant no.1 is working as a Assistant Engineer at Kirloskar New Max and he is getting handsome salary of Rs. 80,000/- to 90,000/- per month. The non-applicant no. 4 is also working in police department. Similarly, non-applicants have 3 Acre cultivated field at Shetfal and out of which they earns Rs. 15,000/- per month. Also, the non applicant no.2 is earning Rs.

20,000/- per month from milk business. Thus, it is prayed that non-applicant no.1 can easily pay the aforesaid sum as an interim maintenance.

5) The non-applicant no. 1 appeared through his Learned Counsel Shri. A. A. Navgire vide Exh. 18. On going through reply it is seen that the non applicant no.1 admitted his marriage with the applicant. However, he denied the rest of the contents of the application. He submitted that the interim application is filed without having proper knowledge of facts. The applicant is working as a software developer at Creative Solution at Pune. She is getting Rs. 3,25,000/- per annum. The said facts itself shows that she does not require maintenance from the non-applicant no.1. Elder sister of applicant also working as an Engineer and younger sister is taking medical education. Similarly, the father of the applicant is a retired principal and he is also getting Rs. 40,000/- towards pension. He also has 10 acre land. Thus, the applicant has sufficient means.

6) According to the non-applicant no.1, the applicant does not have desire towards cohabitation as she did not like him. The non-applicant no.1 tried to the reconcile their marriage but the applicant has refused to live with him. Thus, the according to him the present application is filed with intend to harras him and his family. The applicant herself left the matrimonial house by raising quarrel with him and since then more than six months have passed. In such circumstances, she is not entitled to get maintenance. The applicant

is already getting good salary as she herself admitted the fact of getting handsome income in her application. He mentioned in his reply that he is required to spend Rs. 2000/- for attending this Court. The non-applicant no. 1 is ready to maintain her and as such does not need to pay any amount of maintenance. Thus, he prayed to reject the said application.

7) Heard Learned Counsels for applicant and non applicant no.1. On perusal of record it is seen that the present application is supported by the affidavit of the applicant and it is specifically mentioned in the application as well as affidavit that the applicant is the wife of non-applicant no.1. It is also seen that she was subjected to domestic violence at the hands of the non-applicants.

8) It is seen that, the applicant is the wife of non-applicant no. 1 and it is his duty to maintain her. The case will take its time to decide on merit. The application and the affidavit of the applicant prima facie disclosing that the non-applicants have committed an act of domestic violence. The application also prima-facie shows that due to domestic violence committed on her at the hands of all the non-applicants, she is residing separately with her parents. Also, it is noticed that the applicant has already resigned her job and at present she is not working. To the contrary, it is not denied by the non-applicant no.1 that he is working as an Assistant Engineer at Kirloskar New Max company at Pune. Therefore, I am satisfied that the interim maintenance is warranted in the case in hand.

9) Hence, in view of the above discussion, I am inclined to pass the following order-

ORDER

1.	The application is partly allowed.
2.	The non-applicant no.1 is directed to pay Rs. 3,000/- (Three Thousand only) per month to the applicant from the date of application.
3.	The Police Station Officer, Police Station, Ambi and Police Station, Indapur, Tq- Indnapur, Dist. Pune is directed to assist the applicant in compliance of the said order.
4.	The copy of this order be given free of costs to the applicant and be served upon the non-applicant no. 1.
5.	The copy of this order be forwarded to the Protection Officer, Paranda, Police Station, Ambi and Police Station Officer, Police Station, Indapur, Tq- Indnapur, Dist. Pune.

Date: 21/08/2024

(P. S. Thakare)
Judicial Magistrate First Class,
Second Court, Paranda.

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 the Stenographer	Suresh B. Bhingare
Name of Court	Shri. P. S. Thakare, 2 nd Jt. C.J.J.D. and J.M.F.C., Paranda
Date of Dictation	21/08/2024
Judgment signed by the P.O. on	21/08/2024
Judgment/Order uploaded on	21/08/2024

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