

**ORDER BELOW EXHIBIT – 5**

Applicants have filed this application for grant of interim maintenance under Section 23 of Protection of Women from Domestic Violence Act, 2005 (hereinafter will be referred as “the Act”) for grant of interim maintenance of Rs.10,000/-.

2) As per applicants, they have filed application under Section 12 under the Act in which non applicants have appeared. Applicant no.1 has a daughter i.e. applicant no.2. Non applicant no.1 is husband and father of applicants. Non applicants are trying to prolong the matter willfully. She has no source of income and therefore, she is facing starvation. Applicant no.2 due to her age i.e. one year old requires frequent medicinal expenses. Non applicant no.1 is of sound financial condition, because he is having job at Bank and earns Rs.20,000/- per month as salary. Non applicants have 20 Acre of irrigated land and therefore, non applicant no.1 can pay interim maintenance of Rs.10,000/- per month.

3) Applicants in main application at Exh.1 contended that marriage between applicant no.1 with non applicant no.1 performed on 13/5/2022 at Manwat. Applicant no.2 is daughter born out of said marriage. After marriage, non applicants treated applicant no.1 with mental and physical cruelty. She contended that non applicants are greedy people. Non applicant no.1 was taking doubt on her character and used to lock her in bedroom. Non applicants demanded Rs.10 lakhs to applicant no.1 to be brought from her father and harassed her mentally and physically for said demand. She narrated the various incidences of

physical abuse at the hands of non applicant.

4) Non applicants filed their reply to main application i.e. Exh.1 at Exh.10 and filed pursis at Exh.15 to consider said reply as reply to present application. As per non applicants, contents of application are false. Applicant no.1 resided only for 10 days after marriage. Then she went at her parental house for 20 days. Hence, non applicant no.1 went to take her back. When he saw mobile of applicant no.1, he found that at least mobile numbers of 100 to 150 persons were blocked. On being asked by non applicant no.1, applicant no.1 quarreled with him.

5) Applicant no.1 resided with the company of non applicant no.1 for one month. During that period, she used to remain slept in one room, she was not doing any work, used to talk with non applicant nos. 2 and 3 in rude manner. When she was pregnant, she was not willing to keep the pregnancy and insisting for abortion. On said count, she quarreled with non applicants and went to her parental house by calling her father. She used to visit her parent's house without consent of non applicant no.1. She used to keep him away from marital relations. After going back at her parent's house, she is residing there with her own consent. They have not given any harassment to her. She has refused to come at matrimonial house. Therefore, she is not entitled for maintenance. At present, non applicant no.1 is jobless, because he was removed from his job after two months of marriage, he has only 5 acres of land. Hence, they pray to reject the application.

6) Heard learned advocate for both the sides. Perused the application and documents filed therewith. Considering the matter following

points arise for my determination. Answer thereon are recorded for reasons discussed here under :-

Nos.	POINTS	ANSWERS
1.	Whether domestic violence is committed or likely to be committed by non applicant no.1 against applicant?	Yes
2.	Whether applicants are entitled for interim relief of maintenance as claimed ?	Yes
3.	What order ?	Application is partly allowed

REASONS

As to point No.1 to 3 :

7) These points are interlinked with each others, therefore they are taken together for discussion. Section 23 of the Act provides as under-

23. Power to grant interim and ex-parte orders.—

(1) In any proceeding before him under this Act, the Magistrate may pass such interim order as he deems just and proper.

(2) If the Magistrate is satisfied that an application prima-facie discloses that the respondent is committing, or has committed an act of domestic violence or that there is a likelihood that the respondent may commit an act of domestic violence, he may grant an ex-parte order on the basis of the affidavit in such form, as may be prescribed, of the aggrieved person under section 18, section 19, section 20, section 21 or, as the case may be, section 22 against the respondent.

Section 23 provides for passing of interim and ex- parte orders. On perusal of said provision, while passing the interim order magistrate has to see whether the allegations disclose the domestic violence or its

likelihood.

8) On considering the entire contentions of the both the parties it can be seen that relations between the parties are not disputed. So as the fact that applicant no.1 is residing at her parent's house. Applicant no.1 in her application has categorically stated about the incidences of physical, mental, verbal abuse by non applicants. She has stated all these contents of affidavit. At this juncture only prima facie material and question whether application discloses commission of domestic violence has to be seen. From the record prima facie it appears that applicant was subjected to domestic violence at the hands of non applicant no. 1.

9) It is settled law that husband has responsibility to maintain his wife. In case in hand, it is not the contention of non applicant no.1 that he has provided anything towards maintenance of applicant. Applicant no.1 has contended that she has no source of income. It is also not the contention of non applicants that applicant has any source of income, therefore, prima-facie it appears that she has no source of income. Present application will take some time to reach its conclusion and meanwhile applicants will need source for her livelihood. Therefore, they are entitled for interim maintenance, because it is moral as well as legal responsibility of husband to maintain his wife and children.

10) So far as quantum of maintenance is concerned, as the main application is yet to be decided, it will be appropriate to grant monthly maintenance for basic needs. Applicants have prayed Rs. 10,000/- towards their monthly expenses by contending that non applicant no.1 Rs. 20,000/- per month. However, she has not filed anything on record from

which such income can be gathered.

11) Non applicant no. 1 was directed to file his affidavit of assets and liabilities but he failed to do so. Therefore, it is considered that non applicant no. 1 has source of income to provide maintenance to applicant. So as he mentioned in his reply that he has 5 acres of land in para no.17. Therefore, considering the facts came on record at this time and considering the inflation, it will be appropriate to grant Rs. 3,000/- per month to applicants as monthly interim maintenance. Applicants have claimed maintenance from all non applicants, but it will be appropriate direct non applicant no. 1 being husband and father of applicants to pay maintenance. Therefore, I answer point no. 1 and 2 in affirmative and in answer to point no. 3, I pass following order -

ORDER

- 1- Application is partly allowed.
- 2- Non applicant no.1 is directed to pay Rs. 3,000/- to applicants as interim maintenance per month from the date of application i.e. Exh.12.

Sd/-

(M. S. Padwad)

Judicial Magistrate First Class,
Manwat.

Date : 30/7/2025

CERTIFICATE

I affirm that the contents of this PDF file Judgment/ Orders are same word for word as per original Judgment/ Order.

Name of the Stenographer :- A. D. Dhakne, Steno.(Grade-III).

Court Name :- C.J.J.D. & J.M.F.C., Manwat.

Date :- 30/7/2025

Judgment/Order signed by :- 30/7/2025
Presiding Officer

Judgment/Order Uploaded on :- 1/8/2025