

MHPU010055432026



Received on : 11/05/2026
Registered on : 12/05/2026
Decided on : 15/06/2026
Duration : Y. M. D.
00 01 04

IN THE COURT OF SESSIONS, PUNE,
[Presided over by: D. R. Shetty, Additional Sessions Judge]

PWDVA Appeal No.69/2026

Exh.7

Ashwini Kranti Shejwalkar
(Ashwini Komaldas Wasnik before marriage)
Age: 31 Years, Occ: Doctor
R/at. C/o Shri Komaldas Namdas Wasnik
Bodhi Palace, House No. 1080,
Opposite Akshay Beer Shoppe,
Perne Phata, Tal- Haveli,
Dist-Pune- 412216

...Appellant
(Original Applicant)

V/s.

- 1) **Kranti Sanjay Shejwalkar**
Age About 34 Years, Occ: Service
- 2) **Chaya Sanjay Shejwalkar**
Age: About 54 Years , Occ: Housewife
- 3) **Vyankatesh Sanjay Shejwalkar**
Age: About 29 Years, Occ: Service
All 1 To 3 R/At- S. No. 401, Monark,
Mahaveer Majestic, L.S.B. road, Kanjurroad
West, Near Kanjurroad D-Mart,
Mumbai-400078.
- 4) **Indubai Johare**
Age : About 80 Years, Occ: Housewife

R/At- Parshiwadi, Kopri Colony,
Varchiwadi, Thane.

5) **Nilu Hiraman Bagul**
Age: Adult, Occ: Housewife
R/At- Godrej Quarter, Mumbai

6) **Sangeeta Modak**
Age: Adult, Occ: Housewife
R/At- Mulund, Mumbai

7) **Anita Arvind Nirbhavne**
Age: Adult, Occ: Housewife
R/At- Sion, Mumbai.

...Respondents
(Original Respondents)

Appeal U/s. 29 of The Protection Of Women
From Domestic Violence Act, 2005 ("D.V. Act")

Ld. Advocate for the Appellant : Mr. D.R. Dhokne.
Ld. Advocate for the Respondents : Mr. Bharat J. More.

MHPU010185922024



Received on : 22/11/2024
Registered on : 25/11/2024
Decided on : 15/06/2026
Duration : Y. M. D.
01 06 24

IN THE COURT OF SESSIONS, PUNE,
[Presided over by: D. R. Shetty, Additional Sessions Judge]

PWDVA Appeal No.193/2024

Exh.12

1) **Mr. Kranti Sanjay Shejwalkar**
Age: 33 yrs, Occu.: Service,

R/at: 401 Monarch, Mahavir Majestic,
LBS Marg, Ambedkar Nagar,
near D-mart, Kanjurmarg (W),
Mumbai - 400078

...Appellant

V/s.

1. **Dr. Ashwini Kranti Shejwalkar**

(Name before marriage:

Dr. Ashwini Komaldas Wasnik)

Age: 30 yrs, Occu.: Doctor

R/at: Through Komaldas Namdas Wasnik(Father)

Bodhi Palace, House no 1080,

in front of Akshay Beer Shoppe,

Perne Phata, Tal – Haveli,

District :– Pune – 412216

2. **State of Maharashtra**

(Through DGP, Pune)

...Respondents

**Appeal U/s. 29 of The Protection Of Women
From Domestic Violence Act, 2005 ("D.V. Act")**

Ld. Advocate for the Appellant : Mr. Bharat J. More.
Ld. Advocate for the Respondents : Mr. D.R. Dhokne.

COMMON JUDGMENT

(Delivered on 15th June, 2026)

Introduction and Background :

The appellant, Ashwini Kranti Sejwalkar, in PWDVA Appeal No. 69/2026, who is original applicant in PWDVA Application No. 166/2023 has preferred this appeal against the order passed below Exh. 37 in PWDVA Application

No. 166/2023 by the Learned Judicial Magistrate First Class, Court No. 6, Pune, on 11/10/2024, and has prayed to enhance the interim maintenance amount.

2. The appellant Kranti Sanjay Sejawalkar, in PWDVA Appeal No. 193/2024, who is the original opponent in PWDVA Application No. 166/2023, has also challenged the order passed below Exh. 37 by the Learned Judicial Magistrate First Class, Court No. 6, and has prayed to set aside this interim maintenance order. Thus, it is clear that both, the applicant and opponents, in PWDVA Application No. 166/2023 have challenged the order passed below Exh. 37 by the Learned Judicial Magistrate First Class, Court No. 6, Pune. Therefore, to avoid confusion, the parties are referred to as per their original status in PWDVA Application No. 166/2023.

Case of the Applicant :

3. The applicant has challenged the impugned order mainly contending that the learned trial court should have granted ₹85,000 per month towards maintenance and ₹10,000 per month for rent. According to the applicant, she is living separately along with her parents due to the misbehavior of opponent no. 1, and she is paying rent to her parents. It is difficult for her to survive along with her parents in society with dignity and status within the ₹25,000 per month as granted by the impugned order. The learned trial court has not considered the accommodation expenses of the applicant and also the basic

needs of the applicant, so the applicant has prayed to enhance the maintenance amount to ₹85,000 instead of ₹25,000 and has also prayed to grant ₹10,000 per month towards rent.

Case of the Opponent :

4. Opponent no. 1 has challenged the impugned order mainly on the grounds that initially, the application at Exh. 5 for interim maintenance and rent was rejected by the learned trial court on 19/01/2024, and later on, the learned trial court passed the impugned order and granted interim maintenance amount of ₹25,000 per month from the date of the application. The learned trial court failed to appreciate that the applicant is a highly qualified doctor who is operating a private clinic named "Sajaj" in Perane Phata, Pune, and she is earning approximately ₹50,000 per month. The applicant did not share the bank statements of her clinic, nor she has given any documents to substantiate her meager income. The applicant had held multiple jobs in government and private hospitals as a doctor, including the prestigious Global Hospital, Mumbai, where she was drawing a monthly salary of ₹46,000 per month. The learned trial court failed to consider that the applicant deliberately withheld the disclosure of her actual income from her clinic. The applicant had produced fabricated, backdated rent agreements in support of her Income Affidavit at Exh. 46, which makes it clear that the applicant has come with unclean hands and malicious intent. The applicant failed to provide any rent receipts corroborating her claim for paying rent. Thus, inter alia, on such grounds, the

opponent has prayed to set aside the impugned order.

5. Heard learned advocate Mr. D.R. Dhokne for the applicant and learned advocate B. J. More for the opponents.

Determination of Points :

6. Considering the impugned order, documents on record, and arguments of the learned advocates, the following points arise for determination. The points and their findings, followed by reasons, are as below:

<u>Sr. No.</u>	<u>POINTS</u>	<u>FINDINGS</u>
1.	Whether the applicant is entitled to interim maintenance amount of ₹85,000 per month and rent of ₹10,000 per month as prayed for?	In the negative
2.	Whether the impugned order is legal and proper?	In the affirmative
3.	Whether interference in the impugned order is warranted ?	In the negative
4.	What order?	As per final order.

REASONS

As To Point Nos.1 To 3 :-

7. It is clear from both the appeals that the applicant and opponent no. 1 have both challenged the impugned order passed below Exh. 37 in PWDVA Case No. 166/2023. As per

this order, the learned trial court had arrived at a conclusion that the applicant was subjected to domestic violence by the opponents, so thereby restrained the opponents from committing any kind of domestic violence against the applicant and opponent no. 1, Kranti Sejwalkar was directed to pay an interim maintenance amount of ₹25,000 per month to the applicant from the date of filing of the main application till the final disposal of the proceeding.

8. The inter se relations between the parties are not at all in dispute. It is also not in dispute that opponent no. 1, Kranti Sejwalkar, is a mechanical engineer working in UltraTech Cement Company, Andheri, Mumbai. It is also not disputed by the applicant that she is a BAMS doctor by profession and running a private clinic. The main issue before this court is whether the applicant is entitled to the interim maintenance amount of ₹85,000 and rent of ₹10,000 per month, or whether the interim maintenance amount of ₹25,000 per month granted to the applicant as per the impugned order is sufficient, or is it possible that the applicant is not entitled to any maintenance amount or rent amount.

9. The learned advocate for the opponent, in his arguments, argued that the first interim application for interim orders at Exh. 5, was rejected and that order was not challenged by the applicant, hence the impugned order is not sustainable. The common order was passed below Exhs. 5, 11 and 15 by the

learned trial court. The said application at Exh. 5, praying for interim orders, was mainly rejected on the ground that there was no service of notice to opponent nos. 4 to 8, and last opportunity was granted to opponent no. 1 to file the reply. Thus, it shows that the applications at Exhs. 5, 11 and 15 for interim orders was not rejected on merits, but it was rejected on 19/11/2024 only due to the technical reason as aforesaid. Therefore, the objection raised by the learned advocate for opponent no. 1 that the first interim applications were rejected and therefore the impugned order is not sustainable cannot be given much weightage.

10. The learned advocate for opponent no. 1 further argued that opponent no. 1 had filed his assets and liabilities form, but the applicant had filed her assets and liabilities form after 1 year. So, he further canvassed that the applicant had suppressed the fact that she was working as a doctor and had not disclosed her income from this profession while filing the assets and liabilities form as required by law. The learned advocate for opponent no.1 had also drawn attention towards the order passed by the learned trial court below Exhs. 152 and 153. As per this order, opponent no.1 was directed to file his affidavit of disclosure of assets and liabilities by the next date, and the applicant was directed to file documents regarding her averments made in clauses A-7(a) and (f) of her affidavit of disclosure of assets and liabilities (Exh. 46) in compliance of the directions issued by the Hon'ble Supreme Court in **Rajnish v. Neha and Another (2021) 2 SCC 324** by the next date. The opponent no.1

Kranti Sanjay Sejwalkar, has filed his affidavit of assets and liabilities vide Exh. 61. In this affidavit of assets and liabilities, he has disclosed that he is a mechanical engineer working as an Assistant General Manager in an UltraTech Cement factory, and he has a net income of ₹1,87,540 per month. In this affidavit, he has also mentioned that his mother gets a pension amount of ₹1,050 per month. In the liabilities column, opponent no.1 has shown that he has an education loan of approximately ₹30,00,000 borrowed in the year 2017 for a period of 15 years, and he is paying an EMI of ₹20,000 per month since 2019. Further, he has shown the EMI of a computer as ₹3,333 per month. The opponent no. 1 has, in the details of dependent family members, disclosed that his widowed mother of 52 years and his brother of 28 years, who is studying, are dependent on him. He has also further shown that his maternal grandmother, a widowed aunt and her son Utkarsh Johare, are dependent on him. He has not given the details of the medical expenses which he spends on his widowed old-aged mother and aunt. He has also not disclosed the monthly amount which he is required to spend on all these dependent members.

11. The opponent no. 1 in this assets and liabilities form, has further shown that the applicant is a doctor by profession and earns ₹50,000 per month from her clinic. He has also further mentioned that the applicant is residing with her parents. It is not in dispute that the applicant is residing with her parents.

12. The applicant has produced on record affidavit of assets and liabilities vide Exh.46. In this affidavit the applicant has mentioned that her monthly expenses are ₹80,000/- to ₹85,000/- and she is required to pay ₹8-10 thousand rupees per month as a rent to her parents. She has also further disclosed in column no.7 about monthly expenses that she has recently started clinic and has to pay the rent of ₹4,000/- per month. The applicant had shown that nobody is dependent on her income. She has further made it clear regarding her income source that she has recently started the clinic and therefore she doesn't get any profit. She has made it clear that she is earning monthly only ₹3,000/- to ₹4,000/- and she is required to pay this amount for the rent of clinic. The applicant in this affidavit has disclosed the income of opponent no.1 as ₹3,00,000/- per month and he is working as product manager in UltraTech Cement Company, Mumbai. The applicant has also produced on record statement of bank account of Central Bank of India of the year 2020 till 2024. It is clear from this bank statement that the applicant is earning some interest amount per month or getting some credits from her deposits. The said statement makes it clear that in the year 2023 when the domestic violence application was filed during that period monthly ₹10,000/- to ₹15,000/- and some times ₹15,000/- are credited to her account. This shows that the applicant has some income from other deposits also. Moreover, it is prima facie clear from this affidavit that no body is dependent on the income of applicant. The applicant has not produced the

statement of account of her clinic to show her monthly income. Therefore, as she is a doctor as contended by the opponent no.1 the possibility cannot be ruled out that he might be earning minimum ₹50,000/- per month. The applicant has nowhere denied that she was working as a doctor with various hospitals and was earning more than ₹40,000/- per month. So, if her income is held to be ₹50,000/- then as her overall expenses as she has contended to be ₹80,000/- to ₹85,000/- per month, the amount of ₹25,000/- per month interim maintenance granted to the applicant seems to be sufficient because as she has own self income she can manage herself with this amount of ₹25,000/- per month.

13. The applicant has tried to bring on record that she is paying a rent to her parents amounting to ₹10,000/- per month. To this effect she has produced on record the copy of leave and license agreement dated 21st August, 2024 to show that she is paying the rent of ₹10,000/- to her parents. The said leave and license agreement is executed by applicant in favour of her mother Sushila Komaldas Wasane. This leave and license agreement is executed after filing of PWDVA Application No. 166/2023. So, the possibility cannot be ruled out that the applicant might have entered into such leave and license agreement with her own mother to show that she has the extra expenses of ₹10,000/- per month. Therefore, this cannot be considered at this stage unless and until full fledged evidence is

adduced on record. Thus, it is clear that the amount of ₹25,000/- per month which is quantified by the learned trial Court is just and correct. Moreover, as discussed above it is clear that the opponent no.1 as per his own affidavit has net income of ₹1,87,540/-. If his educational loan installment of ₹20,000/-, Computer EMI of ₹3,333/-, medical expenses of his mother and aunt is approximately held to be of ₹25,000/- per month and educational expenses of his brother is approximately held to be ₹15,000/- per month then also more than ₹1,25,000/- per month remains with him. Thus, it is prima facie clear that the opponent no.1 has sufficient income to pay the interim maintenance amount of ₹25,000/- per month to the applicant. The opponent no.1 being the husband of applicant it is his legal and moral responsibility to look after her. Moreover, as she is residing separately the economic domestic violence is prima facie brought on record by the applicant. Hence, the interim maintenance imposed by the learned trial Court is legal and correct.

14. The learned advocate for opponent no.1 in his arguments relying upon the authority **Bhushan Kumar Meen V/s. Mansi Meen @ Harpeet Kaur in Criminal Appeal No.879 of 2009 dated 28/04/2009 Supreme Court of India**, put forth that the applicant is well qualified as doctor and therefore, there is no reason to conclude that she is not in a position to maintain herself in future. So, he submitted to reduce the maintenance amount. After perusal of this judgment it is clear that the Hon'ble

Supreme Court considering the qualification of wife, though was not employed had reduced the maintenance amount to Rs.5,000/- per month instead of Rs.10,000/- per month. In the instant case as discussed above the applicant has come with the case that she has monthly expenditure of Rs.80,000/- to Rs.85,000/- and opponent no.1 has come with the case that the applicant earns minimum amount of Rs.50,000/- per month. So, considering the monthly expenses of applicant being more than her earning of Rs.50,000/- per month as contended by opponent no.1, the interim maintenance amount of Rs.25,000/- per month granted by the learned trial court seems to be sufficient to fulfill all the expenses of applicant.

15. The learned advocate for applicant has given much stress on the fact that the applicant has not filed the documents in support of contents in her affidavit of assets and liabilities as per directions in the judgment of Rajnesh V/s. Neha as per common order passed below Exh.1, 52 & 53, so, he has prayed to set aside the impugned order. But, as discussed earlier it is clear from record that the applicant has filed on record the copy of leave and license agreement entered with her mother to show that she pays Rs.10,000/- rent to her mother and Rs.4,000/- per month rent to a shop where she is running her clinic. So, it cannot be held that the applicant has not complied the order passed below Exh.1, 52 & 53.

16. The learned advocate for opponent no.1 has also relied upon the following authorities :

- i) **Damanpreet Kaur V/s. Indermeet Juneja & Anr.**
in Crl.Rev.P. 344/2011 Delhi High Court
- ii) **Smt. Mamta Jaiswal V/s. Rajesh Jaiswal II**
(2000) DMC 170
- iii) **Deepti Mohan Das V/s. Avinash Krishnamurthy**
in Writ Petition No.3507 of 2024 order dated 9th
December 2025 Bombay High Court.

17. In **Damanpreet Kaur (supra)** the Hon'ble Delhi High Court had relying upon the observations made in the authority **Smt. Mamta Jaiswal V/s. Rajesh Jaiswal** observed that if well qualified spouse desirous of remaining idle not making efforts for the purpose of finding out a source of livelihood, have to be discouraged, if the society wants to progress. In the instant case admittedly, the applicant is working as a doctor and earning some income so, the observations in above authority are not applicable.

18. In **Deepti Mohan Das (supra)** the Hon'ble Bombay High Court has observed that the courts are required to strike a balance between the claim made by the applicant due to her inability to sustain during the proceedings and the capacity of non-applicant based on his actual income and reasonable expenses for his own maintenance and needs of other dependent family members. In the instant case as discussed above this court has considered the claim of applicant, actual income and

reasonable expenses of non-applicant as well as needs of other dependent family members and by striking out the balance arrived at the conclusion that the interim maintenance amount of Rs.25,000/- per month granted by the learned trial court is just and fair.

19. The rent agreement which is produced on record is executed during pendency of PWDVA Application No.166/2023. Hence, as it is entered with the mother and as it can be considered only after full fledged evidence, so, the rent of Rs.10,000/- per month as claimed by the applicant cannot be granted at this stage.

20. In view of all these discussions it can be concluded that the impugned order is legal and proper and no interference is required. So, **points No. 1 and 3** are answered **“in the negative”** and **point no.2 “in the affirmative”**.

AS TO POINT NO.4 :-

21. In view of these findings, both the appeals deserves to be dismissed. As a result, the following order:

ORDER

- 1] PWDVA Appeal Nos. 69/2026 and 193/2024 are dismissed.
- 2] The impugned order passed below **Exh. 37** in **PWDVA Application No.166/2023** by the **Learned Judicial**

**Magistrate First Class, Court No.6, Pune, on 11/10/2024
stands confirmed.**

3] The copy of this order be given free of costs to all the concerned parties as per section 24 of the D.V. Act.

4] Inform the learned Trial Court accordingly.

(Dictated and pronounced in open Court)

Pune.
Date : 15/06/2026

(D.R. Shetty)
Additional Sessions Judge, Pune

CERTIFICATE

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

Name of Steno	R.L. Bhunyar (Stenographer G-I)
Court Name	D.R. Shetty Additional Sessions Judge, Pune
Date of Order/Judgment	15/06/2026
Order/Judgment signed by Presiding Officer on	15/06/2026
Order/Judgment uploaded & PDF on	15/06/2026