

MHPU060031992021



Ira Awasthee.
Vs
Yashwardhan Sharma and others.

ORDER BELOW INTERIM APPLICATION

Application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as "the Act"), is filed by the applicant seeking interim reliefs against the respondents. The applicant has one minor daughter residing with her. She alleges domestic violence by the respondents in the form of physical and emotional abuse following childbirth. Her affidavit regarding assets and liabilities is at Exh. No.20.

2. Respondent No.1 filed say vide Exh. No. 14 and denied all allegations. However, he has admitted relationship with the applicant and child. According to him, the applicant is to blame for the separation. He claimed that she habitually quarrelled over the issues and her inhuman act is spine chilling. There exists no cause of action against the respondents. She has not approached to the Court with clean hands. Her pleadings are misleading. He claimed that the application may be rejected. He further prayed for permanent custody of their minor. His affidavit is at Exh. No.15. Affidavit regarding his assets and liabilities is at Exh. No.18. Additional affidavit regarding assets and liabilities is at Exh.No.21.

3. Heard Ld.Advocates. Their submissions are according to contents of the application and say. Gone through material on

record. Following points arise for determination. My findings on them with reasons to follow.

POINTS FOR DETERMINATION:

Sr. No.	Point for Determination	Finding
1	Whether there exists a domestic relationship between the applicant and respondents within the meaning of Section 2(f) of the Act?	In the Affirmative.
2	Whether prima facie material exists to show that the applicants were subjected to domestic violence under Section 3 of the Act?	In the Affirmative only to the extent of respondent No. 1.
3	Whether interim reliefs can be granted at this stage under Section 23 of the Act?	Partly in the Affirmative.
4	What order?	As per final order.

REASONS:

Point No. 1 – Domestic Relationship:
 4. The definition of "domestic relationship" under Section 2(f) of the Act includes relationships by marriage and members living together in a shared household. The material on record sufficiently indicates that the applicants shared a household with respondent No. 1. The existence of such a domestic relationship is not disputed by the respondents and stands prima facie established.

Point No. 2 – Prima Facie Proof of Domestic Violence:
 5. Domestic violence as defined under Section 3 of the Act

includes not just physical abuse, but also emotional and economic abuse. In the present matter, the allegations of physical abuse made by the applicant is denied by the respondents and not corroborated by independent material. The incident details are contested, and her allegations require trial and scrutiny through evidence. Thus, no conclusive view as to physical abuse towards the applicant can be taken at this interim stage.

6. It is noteworthy that the respondents have not asserted any willingness or intent to provide for the minor child. Considering that both applicant and respondent No. 1 are highly educated professionals, the dispute between them requires adjudication through proper evidence. At this stage, it prima facie appears that the minor child, has suffered emotional and economic deprivation. It is also noted that the applicant is taking care of the child in her custody. Deprivation of the child in such a case amounts to economical and emotional abuse of the applicant as accepted to Section 3 of the D. V. Act. Hence, prima facie, the applicant and minor child appear to be a victims of such abuse by respondent No.1.

Point No. 3 – Prima Facie Right to Interim Relief:

7. Section 23 of the Act empowers the Magistrate to grant interim reliefs when a prima facie case is made out. The welfare of the minor child, being paramount, necessitates interim support to meet basic needs. The obligation of the parent to maintain the child is statutory and moral. The non-applicant has not demonstrated any valid reason not to provide the minor such support.

8. The respective contentions of both parties regarding their economic standing, earnings, and liabilities are subject to proof. At this stage, it has to be taken into consideration, the applicant and respondent No.1 are directly connected to the outcome of the application and therefore, their interested witnesses even at prima facie stage of the case. Neither of them have to conclusive income, assets or liabilities. Considering qualification of the applicant, I am of the opinion that such qualified is not expected to abstain from working for livelihood. Moreover, the applicant has not properly mentioned details regarding monthly needs under respective heads and amount of expenses claimed by her remained unexplained. Considering her qualification in the light of material before me, I am of the opinion that there shall not be any interim maintainance for her as allegations will be proved or disproved through evidence after the trial. At this stage, case for interim reliefs to the applicant is not made out.

9. The applicant has preferred to file intimation on 03.02.2026 stating that neither she nor the child has granted mainantainace by any Court till today. Considering dependency of the minor child, DIR report is at Exh. No.11, status of the parties as appears from material on record, qualifications of the applicant and respondent No.1, prices of essential commoditties, I am of the opinion that maintainance in form of monthly maintainance to the child alongwith educational and medical expences shall be granted till disposal of the case. Considering aforesaid aspects, I am of the opinion that monthly maintainance of Rs.25,000/- to the minor and her actual educational expenses will be just and proper. The

respondents could not bring any change in circumstances on the record to disclose ad interim order already passed by Ld. Predecessor shall not be continued. Therefore, there shall be no change directions already issued by Ld. Predecessor on 22.10.2021 through ad interim order below Exh. No.1. Considering facts established prima faice through material on the record. I am of the opinion that application regarding other prayers cannot be allowed.

Point No. 4 – Order:

10. In view of the above discussion, the following order is passed:

ORDER

1. The application for interim monetary relief is partly allowed.
2. Respondent No. 1 shall pay interim maintenance of Rs. 25,000/- (Rupees Twenty-Five Thousand only) per month to daughter of the applicant from the date of the application till the disposal of the main case.
3. A) Respondent No. 1 shall bear actual educational expenses of daughter of the applicant from the date of the application till the disposal of the main case.
B) Respondent No. 1 shall also bear educational and actual medical expenses of Applicant No. 2 during the pendency of this proceeding.
4. Directions already issued by Ld. Predecessor on 22.10.2021 through ad interim order below Exh. No.1 to continue the disposal of the application.
5. Application to the extent of other reliefs is rejected.

6. Time of two months is granted to respondent No.1 to deposit maintainance from date of application to date of order.



Date :- 03/02/2026
Pune.

(Y.S. Kawade)
Judicial Magistrate First Class,
Cantonment Court, Pune.