

MHPU060040742021



Bhagirathi Baban Salunke.
Vs
Rahul Baban Salunke and others.

ORDER ON INTERIM APPLICATION

1. The applicant has filed this application under Section 23 of the Protection of Women from Domestic Violence Act, 2005 seeking interim relief of residence, protection, and monetary maintenance against the respondents who are her son and daughter-in-law.
2. It appears that the respondents have made an application to set aside no say order against them. It came to be rejected as it was not filed alongwith say which is requirement under law. Moreover, the application was preferred in a case instituted in the year 2021 on 21.07.2025. Delay was also one of the considerations to reject their application. Thus, say of the respondents is not on the record.
3. It is case of the applicant that she is 61 years of age. Her husband is old. Respondent No.1 is resideing sepratedly from them for 15 years. He has sold artilces purchased by the applicant in order to run business. She claimed domestic violence of various froms against respondent No.1 including threats through end her life. The complaints of the applicant includes attempts of respondent No.1 break marry of her daughter. She further claimed that she has no meals of income and it is necessary to pass orders under PWDV Act against the respondents.
4. Ld.Adv. representing the applicant submitted in terms of contents of the application. Ld.Adv. representing the respondents did not make submissions on interim application. Gone through material on the record following points arise for determination. My

findings thereon with reasons to follow.

Sr. No.	Points for Determination	Finding
1	Whether the applicant has made out prima facie case of domestic violence?	In the Affirmative.
2	Whether the applicant is entitled to interim release under Sections 18, 19, 20 and 23 of the Act?	In the Affirmative.
3	What Order?	Partly Allowed.

REASONS

AS TO POINT NO.1:

5. According to available material, the applicant is the mother of respondent No.1 and mother-in-law of respondent No.2. Age of the applicant and her husband are not disputed. The applicant has filed affidavit in support of application vide Exh.No.6. Her statements to the affidavit went unchallenged despite of several opportunities given to the respondents. It is pertinent to note that prima facie it is not shown that respondent No.2 is earning. Moreover, nothing to prima facie show that she is liable to maintain the applicant financial has placed on the record. Considering the same, age and relations between the applicant and respondent No.1, I am of the opinion that claim regarding financial dependency of the applicant and on the respondent No.1 is apparent is material on the record in view of age of husband of applicant as well as absence material to disclose that her husband is capable of earning.

6. The allegations made in the application are supported by affidavit of the applicant and consistent with the definition of domestic violence under Section 3 of the Act. Prima facie material is sufficient to hold that the applicant has been subjected to **economical abuse by respondent No.1 and emotional neglect** by both the respondents. Therefore, I record

affirmative finding on this point.

As to Point No. 2:

7. No material is offered to show that the applicant or husband is earning. Moreover, it will be cruel and inhuman to tell aged applicant to earn considering her undisputed age. Especially when she has brought up her children and made them able to earn for his livelihood. Applicant is aged and has specific need for food, shelter, medicine, and basic sustenance. Given her age and dependency, the need for support is immediate. Denial of family resources and support to the applicant justifies interim relief. Having regards to age of the applicant, considering her medical needs coupled with prices of essential commodities and other essential material, quantum of monthly interim maintenance is decided.

ORDER

1. **The respondents are hereby restrained under Section 18 of the Act** from committing any act of domestic violence against the applicant, including verbal, emotional, or economic abuse.
2. Respondent No. 1 shall pay interim maintenance of ₹10,000/- per month to the applicant from the date of application, towards her daily needs, medical expenses, and sustenance. The amount shall be paid before the 10th day of every month either by direct credit or via Demand Draft.
3. **Under Section 19 of the Act**, respondents shall not dispossess or disturb the possession of the applicant in the house situated at *2389, New Modikhana, in front of Poona College, Pune 411001.*
4. **Protection Officer, Pune** is directed to assist the applicant in enforcement of this interim order and file report regarding the same. Communicate these directions to him through e-mail.
5. Relief under Section 22 for compensation and Section 20(2) for additional expenses is kept open for final adjudication after

evidence.

6. Provide copy of the order to concerned Police Station.

Date :- 28/04/2026
Pune.

(Y.S. Kawade)

Judicial Magistrate First Class,
Cantonment Court, Pune.

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28/4/26