



This an application for interim relief.

2) Already no say order has been passed against the non-applicant below the main application and this application.

3) The application prima facie discloses domestic violence to the applicant by the non-applicant. Under the above circumstances, it appears to grant interim monetary relief. The applicant has responsibility of her three years old child. There is absence of documentary proof about the income of respondent.

4) The applicant has relied on following case laws. Those are being discussed one after one.

(1) **Nidhi Sudan Vs. Manish Kumar Khanna, 2023 SCC OnLine Del 7652.**

As per the above judgment the parameters for determination of maintenance depend upon financial status of the contesting respondent and the amount awarded must be reasonable and realistic.

(2) **Meena Chaudhary Vs. Commr. of Delhi Police, (2015) 2 Supreme Court cases 145.**

In the above cited case the appellant was a gynecologist by profession and she had filed a writ petition before Hon'ble High Court for issuance of a writ of mandamus to direct to police authorities to provide her full security of life, liberty and property apart from directions to the police authorities not to obstruct her from using the residential premises. The said writ petition was dismissed. But thereafter division bench of Hon'ble High Court granted Rs. 25,000/- p.m. interim maintenance till decision in Suit No. 51/2008. Again the said order both order approached to the Hon'ble Supreme Court. Hon'ble Supreme Court dismissed both the appeals.

(3) **Sunit Kumar Vs. Rita and ors., CRR No. (F) 9 of 2013 (O & M) Decided on 25/3/2013 Hon'ble High Court of Punjab and Haryana.**

In the above cited case the petitioner was ordered to under go imprisonment for 12 months on account of non-payment of arrears of maintenance to his wife and the minor daughter. The said order was challenged before the Hon'ble High Court. The Hon'ble High Court dismissed revision petition for the following observations;

Neither the neglected wife nor the neglected child can live without funds for purchasing food and the essential articles to enable them to survive. The first and foremost duty of the husband is to maintain the wife and child. He may beg, borrow or steal.

5) As earlier said the applicant has responsibility of her three years old child and there is absence of documentary proof about the income of respondent. Under these circumstances, considering the matter before me it appears just and proper to grant Rs. 3,000/- interim maintenance per month (Rs. 1,500/- for the applicant and Rs. 1,500/- for her child) till final disposal of this application. Hence the following order.

Order

1. The application is partly allowed.
2. The non-applicant shall pay Rs.3,000/- per month to the applicant for herself and her child from the date of this application till final disposal of the matter.

Pune.
Date 25/06/2024

(S.G. Dubale)
Judicial Magistrate First Class,
Khadki,Pune.

प्रमाणपत्र

मी अशी खात्री देते की, सदर पी.डी.एफ. फाईलमधील मजकूर मूळ आदेश/न्यायनिर्णयाप्रमाणे प्रत्येक शब्द बरोबर आहेत.

लघुलेखकाचे नाव

- योगेश के. कोटस्थाने

न्यायालयाचे नाव

- श.गि. दुबाले,

न्यायदंडाधिकारी प्रथमवर्ग, खडकी, पुणे

आदेश/न्यायनिर्णय जाहीर केलेची दिनांक

- २५/०६/२०२४

पिठासीन अधिकारी यांनी सही केलेली दिनांक

- २५/०६/२०२४

आदेश/न्यायनिर्णय अपलोड केल्याची तारीख

- २५/०६/२०२४