

MHPU080014192025 	E-filing PWDVA A No. 46/2025 Deepthi Parameshwaran Ezuthachan Vs Rahul Bharathari Gajbhiye
--	---

Order Below Interim Application dated 19/08/2025 filed by applicant

The applicant has filed an application under section 18 to 22 of Prevention of Women from Domestic Violence Act, where the present application for grant of interim maintenance is pending. It is the contention of the applicant that her marriage with the non applicant no.1 was solemnized as per Special Marriage Act on 09/04/2019 and as per Buddhist rites and custom on 15/06/2019. The marriage between applicant and non-applicant No.1 was love marriage. The parents of both the parties were not willing and ready for the marriage. However thereafter the marriage was solemnized as per Buddhist rites and customs. Initially non-applicant No.1 borne the expenditure of marriage i.e. Rs.2,50,000/-. Thereafter the father of applicant No.1 repaid an amount of Rs.3,00,000/- to the non-applicant No.1 towards the expenses incurred by him for the marriage ceremony. The non applicant cohabited with the applicant some days in good manner. One daughter named Daksha was born to the applicant and non-applicant No.1 from their wedlock. However, thereafter non applicant No.1 started to commit physical, mental and financial cruelty to the applicant. The non applicant No.1 mercilessly beaten the applicant. As a result of it the physical condition of the applicant becomes very weak and she is not able to maintain herself. It is also contended that the applicant is living her troublesome life on the mercy of her father.

2. It is further contended by the applicant that non-applicant

No.1 is working as in Multinational Company and getting salary of Rs.27,00,000/- per annum. Similarly, no one is dependent on him except applicant. Hence, applicant is prayed for Rs.50,000/- each per month for her and her daughter as an interim maintenance.

3. Non applicant No.1 to 3 are appeared before the court and filed their reply to the interim application on record. Non-applicant denied entire rival allegations against them and submitted that he is not entitled for paying maintenance to applicant. It is also specifically submitted by non-applicant that applicant is working women and is earning Rs. 35,000/- to 40,000/- per month. Under such circumstance she is not entitled claim maintenance amount from non-applicant No.1. It is further contended that non-applicant no.1 is Engineer in Mphasis Company, Pune and is earning of Rs. 1,80,000/- per month. He further submitted that his mother completely depended upon him. Under such circumstances he is not at all position to pay maintenance amount to the applicant. It is also contended that applicant is willfully deserted the non applicant No.1. Hence, she is not entitled for claiming maintenance under the present application.

4. Heard Shri. M. P. Kadam learned advocate for applicant. and Shri. P. V. Kolhe learned advocate for the non-applicants. The following point arose for my determination to which I am recording my finding.

Sr. No.	POINTS	FINDINGS
1.	Whether applicant proves that she is entitled for interim maintenance of Rs.50,000/- per month each for applicant and her daughter from non-applicant No.1 ?	Partly allowed. Non-applicant no.1 is directed to pay Rs.5,000/- (Five Thousand) each per month to the applicant and her daughter from the date of application i.e. 19/08/2025.

2.	What order ?	As per Final Order
----	--------------	--------------------

5. Following points are interlinked with each other hence in order to avoid repetition I am deciding it together.

6. Learned advocate for applicant Shri. M. P. Kadam submitted during argument that the non applicant caused enormous physical, mental and financial cruelty on applicant, hence she is living with her parent's home. It is also submitted that the marriage was not denied by the non-applicant. Hence, it is the sacrosanct duty of non applicant to maintain the applicant and her daughter. However, the non applicant No.1 omitted to do so. Hence, in order to maintain herself applicant is required the financial assistance from the non applicant No.1. It is also submitted that the non applicant No.1 is having handsome source of income and no one is dependent on him. Hence, the non applicant can pay the maintenance as prayed for.

7. On the contrary learned advocate for non applicant Shri. P. V. Kolhe submitted that the application filed by the applicant is not tenable, as the applicant did not come before the court with clean hand.

8. It is also to be noted that both the parties have filed their affidavit disclosing Asset and liabilities of the respective parties as directed by **Hon'ble Supreme Court in Rajnesh Vs. Neha reported in (2021) 2 SCC 324.**

9. It is settled principle law that while deciding interim application under section 23 of D.V. Act, it is not expected to deal with the entire rival allegation leveled by respective parties against each other. However, the court must look into the financial status of both the parties

while granting interim maintenance amount. It is the contention of the applicant that non-applicant no.1 is working in Multinational IT Company. Out of it he is earning handsome income. However, no such documentary proof filed on record which shows that non-applicant no. 1 is having income as stated above. On the contrary non-applicant in his assets and liability affidavit shows that he is earning Rs. 1,80,000/- per month.

10. Considering these factual matrix it prima facie appears that the marriage of applicant and non-applicant no.1 is still in existence and there is daughter born out of their wedlock. It is also matter of record that both applicant and non-applicant No.1 are highly educated persons. It is to be noted that applicant is working woman and she is getting salary of Rs.30,000/- per month. During argument learned advocate for applicant submitted that, daughter named Daksha is residing with the parents of applicant at Kerala at her own home town. It is to be noted that the full and final decision of the main application may take considerable long time. During that period applicant must come to the court to attain the proceeding which incurred some expenditure. Considering this peculiar fact the applicant is entitled for the interim maintenance. In order to decide the quantum of the maintenance the living standard of the both the parties must take in to consideration. In the present case non-applicant No.1 is Engineer. Considering the nature of his work and getting income out of it, I am of the opinion that the applicant no.1 and her daughter are entitled for Rs.5,000/- (Five Thousand Only) each per month as interim maintenance.

11. During argument learned advocate for applicant submitted that, applicant and non-applicant No.1 are jointly owned flat No.608, X Wing, Tanish Orchid, Phase II, Alandi Road, Charholi Phat, Pimpri

Chinchwad, Dighi, Pune. It is also contention of applicant that, non-applicant is trying to create third party interest in the said flat. Hence, she requested for not to alienate the said flat during pending of the present application. I have gone through the asset and liability affidavit of both the parties. It prima facie appears that the flat mentioned above was purchased jointly by applicant and non-applicant No.1. Under such circumstances, it is necessary not to alienate the flat during pendency of the present proceeding. It also appears that some loan was also incurred by the non-applicant No.1 for the said flat. Considering these peculiar circumstances, the status of flat needs to be protected. Hence, I proceed to pass the following order:

:: O R D E R ::

1. Interim Application dated 19/08/2025 filed by applicant is hereby partly allowed.
2. The non-applicant No.1 is directed to pay interim maintenance of **Rs.5,000/- (Five Thousand Only) each per month to applicant and her daughter (total Rs.10,000/- per month)** from the date of application i.e. 19.08.2025 to till disposal of this case or till further order.
3. Non applicant Nos.1 to 3 are restrained from selling the flat No.608, X Wing, Tanish Orchid, Phase II, Alandi Road, Charholi Phat, Pimpri Chinchwad, Dighi, Pune and creating third party interest during pendency of the proceeding.
4. Non-applicant shall not commit cruelty to applicant.

Date : 30/07/2026

(L. V. Shrikhande)
Judicial Magistrate First Class,
Court No. 3, Khadki, Pune.

CERTIFICATE

I affirm that the contents of this P.D.F. file order are same word to word, as per the original Order.

Name of the Stenographer	: S. S. Gupte (Grade- III)
Name of the Court	: Shri. L. V. Shrikhande, J.M.F.C. Court No. 3, Khadki, Pune.
Date	: 30.07.2026
Order signed by the Presiding officer on	: 30.07.2026
Order uploaded on	: 30.07.2026