

MHPU090012312025

PWDVA No.32/2025

Mrs. Snehal Vaibhav Shinde **Applicant...**

and anr.

Vs

Mr. Vaibhav Shinde & anr. **Respondents...****ORDER BELOW PRAYER OF INTERIM MAINTENANCE**

(31/01/2026)

This is an application filed by the applicant under sec 23 of the Protection of Women from Domestic Violence Act, 2005 (for short 'the DV Act'). The applicant by way of this application claims interim maintenance of Rs.10,000/- per month for herself and their son, also claim amount of Rs.5,000/- for house rent, Rs.10,000/- as a educational expenses of their son and amount of Rs.1,00,000/- per year as a education fee of their son.

02. The applicant filed the original application on 10/02/2025 under Section 12 of the DV Act praying for various reliefs under Sections 12 to 16 and 18 to 23 of the DV Act. As per contention of the applicant, the applicant is wife of the respondent no.1. The marriage of the applicant and respondent no.1 took place on 26/12/2015 at Hadapsar, Dist. Pune as per Hindu Religion rites and ceremonies. Son namely Kritish born to them out of the said wedlock. Applicant has narrated incident of domestic violence committed by respondent in detail in original ap-

plication and in present application.

03. Respondents have filed their say on 04/09/2025 and resisted contention of present application. As per contention of respondents, the applicant is highly qualified and she is working. She is able to maintain herself and not entitled for maintenance. As per their contention, due to eyes problem of respondent no.1, he is unable doing any service or any business. He has no other income source. They further submitted that, amount mentioned in their say were paid by respondent no.2 & 3 to the applicant through Gpay and PhonePe. They are ready to pay school fee of their son. Lastly, they prayed for application be rejected.

04. Perused the application, say and affidavits of assets and liabilities filed by the both parties. Heard both sides at length. The points which arise for my determination along with my findings thereon are as below.

Sr. No.	Points	FINDINGS
01.	Is there a prima-facie proof of the domestic violence ?	...Yes.
02.	Whether the applicant is entitled to the interim maintenance as prayed?	...Partly Yes.
03.	Whether the applicant is entitled to other relief as prayed?	...Partly Yes.
04.	What order ?	As per final order.

05. The Ld. advocate for applicant submitted that applicant is subjected to domestic violence and the allegations made on affidavit are prima-facie proof of it. The respondent have landed property and they have earned Rs.12,00,000/- per year from their agriculture land and Rs.1,00,000/- rent from flat. Nobody is dependent on him. Amount mentioned in the say of respondent was sent by them for to pay the installment of loan borrowed by respondent no.1 and on the same day she had paid installment of loan. Therefore, the respondent be directed to pay interim maintenance to the applicant.

06. The Ld. advocate for respondent submitted that, applicant is highly qualified and doing a business, hence she is able to maintain herself, hence she is not entitled for maintenance. He is ready to take responsibility of their son and ready to pay school fee. However, this court taken into consideration the documents and affidavit of assets and liability while deciding this application.

07. The applicant has filed on record her affidavit in support of this application. She has filed on record her assets and liability affidavit. The respondent filed on record his assets and liability affidavit. Both parties have filed other documents in order to substantiate their contentions. The documents placed or

record is taken into consideration while deciding this application.

REASONS

As to Point No. 1

08. From the pleading of applicants reveal multiple instances of domestic violence. This is interim application. Therefore, the applicant is not required to prove the incident of domestic violence beyond reasonable doubts. The applicant has alleged the incident of domestic violence on affidavit. Respondent though resisted the allegations of domestic violence in their Say but, the contentions of the applicant regarding domestic violence is made on affidavit. Therefore, at this stage there is prima-facie proof to my satisfaction that the applicant was subjected to violence. Thus, the point Nos.1 is answered accordingly.

As to Point No. 2

09. The applicant has claimed amount of Rs.10,000/- per month for herself and her son as amount of maintenance from the respondent. The applicant in her affidavit of assets and liability stated that at present she is not doing any business. Hence, She is unable to maintain herself and her son. As per contention of applicant, the respondent have landed property and they have earned Rs.12,00,000/- per year from their agriculture land and Rs.1,00,000/- as a rent from flat owned by them, but she has

failed to submit any documentary evidence in support of her contention. Per contra the respondent in his affidavit of assets and liability affirmed that he is not doing any service or business. He has no any income source.

10. As per contention of applicant the respondent has not made any provision for the maintenance of applicant and her children. From pleading of both parties it appears that the son of applicant and respondent namely Kritish residing with the applicant. It is evident from the affidavit of assets and liability of the respondent and from the education qualification, he is having sufficient means and ability to provide interim maintenance to the applicant and his son.

11. As per contention of respondent, applicant is doing business, she has income source, she is able to maintain herself and her son. The respondent no.1 take a defence as he is not doing any service or business, hence he has no income source. The respondent cannot shirk responsibility when he has capacity to do work. The respondent can not run away from the responsibility to maintain the applicant and their son on any count. On perusal of contention of respondent, he submitted that he has taken loan from various bank it can not be a shield to the respondent for run away from his responsibility. Admittedly, he has not made any provision for the maintenance of the applicant and

their son. Therefore, considering the financial status of both parties it would be appropriate to direct the respondent to pay Rs.6,000/- per month to their son Kritish towards maintenance that too from the date of filling of application i.e. from 10/02/2025. Therefore, Point No.2 is answered accordingly.

As To Point No. 3

12. The applicant in her application also prayed for amount of Rs.5,000/- for house rent. After considering financial status and earning capacity of both parties at this juncture this court is not inclined to pass any order regarding separate residence by the respondent to the applicant. She further claimed that respondent to pay amount of Rs.1,00,000/- p.a. as a school fee and amount of Rs.3,000/- as a school van fee and Rs.10,000/- other school expenses. Respondent through his assets and liabilities affidavit submitted that, he has paid school fee for this year and also ready to pay school fee of his son. Hence, Point No.3 is answered accordingly.

As to Point No.4

13. In view of findings recorded as against point No.1 to 3, following order is passed-

ORDER

1. The application Exh.5 is partly allowed.

2. The respondent is directed to pay interim maintenance of Rs.6,000/- per month to applicant and their son Kritish from the date of filling of application i.e. from 10/02/2025.
3. The respondent is directed to pay annual school fee of their son Kritish.
4. The copy of this order to be provided to the applicant free of cost.

Pimpri, Pune
Dated : 31/01/2026

(T.S.Mahadik)
Judicial Magistrate First Class,
Pimpri, Pune.

CERTIFICATE

“ I affirm that the contents of this P. D.F. file Judgment / Order are same word for word as per original Judgment.

Name of Steno : Mrs. N.K.Vaidya

Court Name : Smt. T. S. Mahadik
Judicial Magistrate First Class,
Pimpri, Pune.

Date : 31/01/2026

Judgment/Order signed by
presiding officer on : 31/01/2026

Judgment Order upload Date : 02/02/2026