

MHPU090072002024

PWDVA No. 232/2024



Mrs. Rubina Moin Perampalli **Applicant...**

Vs.

Moin Murtuj Perampalli **Respondents...**

ORDER BELOW EXH. 05
(01/12/2025)

This application is filed under Section 23 of Protection of Women from Domestic Violence Act, 2005 [hereinafter for brevity referred to as “the Act”] for interim maintenance and also for various relief under provision of this act.

2] Notice served on non-applicants, non-applicants appear in court. But failed to file their say on present application and main application. So, this application as well as main application under section 12 of the Act has proceeded without their say.

3] Perused the application and affidavits of assets and liabilities filed by the applicant. Heard Ld. Advocate for applicant. 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. What Order ? ..As per final Order.

REASONS

As to Point No. 1 & 2

4] In this application as well as main application, applicants have stated about their relationship with non-applicant. Further the behavior of non-applicant resulted into domestic violence is also elaborated in both these applications. These allegations are not resisted by the non-applicants by appearing before court. On the contrary the document on record, clearly shows that applicant and non-applicant no.1 are husband and wife and they have one child. Considering unchallenged allegations and relationship between the applicant and non-applicants, it is legal, ethical and moral duty of non-applicant to maintain applicants. Non-applicants by appearing before Court has not shown any ground for disbelieving the case of applicants. Therefore, case of applicants is required to accept.

5] The applicant has claimed amount of Rs.20,000/- per month as amount of maintenance from the non-applicant No.1. While considering entitlement of relief, apart from general parameters such as living standard of parties, essential needs of

applicants, medical need, education expenses if any and rising prices of commodities is also necessary taken into consideration. As per contention of applicant, she is working as sales woman in a shop and earn Rs.7,500/- per month, but said amount is insufficient to maintain herself and her son. She further stated that, the non-applicant has not made any provision for the maintenance of applicant. It is evident from the affidavit of assets and liability of the applicant. That non-applicant is working as driver and earn handsome income of Rs. 50,000/- per month and in main application she stated as non-applicant earn Rs.30,000/- per month. Applicant has not produced any documentary evidence to show that non-applicant earn handsome income of Rs.50,000/- or Rs.30,000/- per month. After considering age and physical capacity of the non-applicant and also after considering the financial status of both parties it would be appropriate to direct the non-applicant No.1 to pay Rs.5,000/- per month to the applicants towards maintenance that too from the date of filling of application.

6] Having considered all the documents on record. I am of the view applicants are partly entitled for relief claimed in this application. Considering these factors amount of Rs.5,000/- to the applicants would suffice the purpose. Accordingly, I answered point no.1 in affirmative and point no.2 in partly

affirmative. In consequence thereof for point no.3, I pass following order.

ORDER

1. Application is partly allowed.
2. Non-applicant is directed to pay amount of Rs.5,000/- to the applicants per month towards interim maintenance from the date of application till final disposal of the main application under section 12 of the Act.
3. Copy of order be furnished to the applicant, free of costs.

Pimpri
Dated : 01/12/2025

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