

MHPU180014012024



PWDVA No.23/2024

Sana

Vs.

Mujib and Ors.

ORDER BELOW EXH.5.

(Passed On 13/02/2026)

The present application has been filed by the applicant under the provisions of the Protection of Women from Domestic Violence Act, 2025. The applicant seeks interim maintenance from the respondents. The applicant submits that respondent No. 1 is her husband and they have one daughter, namely Simrah. The applicant was living in a marital relationship with respondent No. 1. However, due to harassment both mental and physical by the relatives of the respondents, the applicant was forced to leave the matrimonial home along with her daughter. The applicant states that she has been subjected to domestic violence by the respondents. As a result, the applicant has no option but to reside separately from the respondents. The applicant further submits that she has no independent source of income to maintain herself or her daughter. In contrast, respondent No. 1 has sufficient means to provide maintenance. Therefore, the applicant prays that respondent No. 1 may be directed to pay interim maintenance of Rs. 10,000/- per month for herself and an additional Rs. 10,000/- per month for her daughter, Simrah. The applicant has filed her Assets and liability affidavit at Exh.15.

2. Despite being afforded several opportunities, respondent No. 1 has failed to contest or argue in the present case. This Court had previously passed Order dated 06/02/2026, granting the last opportunity to the respondent. However, the respondent has once again failed to appear, argue or file a say to the present application.

Accordingly, the application is decided on its merits. It is submitted that the respondent has filed the Assets and Liabilities Affidavit on record, which is at Exh. 17.

3. Heard the Ld. Advocate for the applicant. Since the respondent has failed to file any say to the present application, it is necessary to state that, at this interim stage, the application filed by the applicant on oath is required to be considered as prima facie evidence. It is held that respondent No. 1 is the husband of the applicant and their daughter is Simrah. The relationship between the applicant and respondent No. 1 is thus established prima facie. This is further supported by the unchallenged application and affidavit filed by the applicant. To claim interim maintenance, the applicant is first required to establish prima facie that she is a victim of domestic violence and that the respondent falls under the category of “respondent” as defined under the Protection of Women from Domestic Violence Act, 2025. The applicant has stated on oath that she, along with her daughter, resided with respondent No. 1 in the shared matrimonial home, thereby establishing the marital relationship. She has narrated several incidents of domestic violence in her application, supported by an affidavit, which collectively establish prima facie that she is a victim of domestic violence. It is thus proved that the applicant is a victim of domestic violence and is presently residing separately from respondent No. 1 and respondents are come under the definition of respondents.

4. The applicant is claiming interim maintenance from respondent No. 1 for herself and her daughter. Respondent No. 1 has filed his Assets and Liabilities Affidavit at Exh. 17, in which he has stated his income as Rs. 5,000/- per month and disclosed that he is

employed as a Swiggy delivery boy. The applicant has filed her Assets and Liabilities Affidavit at Exh. 15, wherein she has submitted that she has no source of income. As respondent No.1 has failed to file any say to the present application, greater weightage is required to be given to the application on oath filed by the applicant. However, it is noted that the applicant has not produced any independent evidence of the income of respondent No.1. There is no any document to prima facie prove the applicant is having income source but, the respondent no.1 is having income source. However, it is the legal as well as moral duty of the respondent no.1 to maintain the applicant and his daughter. Despite this, the circumstances necessitate that the Court adjudicate the present application and determine the maintenance amount, keeping in mind the standard of living of the parties. Considering the current circumstances and the standard of living to cover clothing, residence, day to day expenses, and other necessities in absence of the documentary income of the respondent no.1 and at this interim stage, in my opinion applicant No. 1 is entitled to interim maintenance of Rs. 2,200/- per month and her daughter is entitled to Rs. 1,000/- per month. Accordingly, interim maintenance is granted to the applicant and her daughter as mentioned above. I, therefore, pass the following order:

ORDER

01. The application is partly allowed.
02. The respondent no.1 is hereby directed to pay an amount of Rs.2,200/-(Rupees Two Thousand two hundred only) per month to the applicant and Rs. 1000/- (Rupees One Thousand only) per month to child as an interim maintenance from the date of application till the decision of the case.

03. Copy of this order be given to the applicants free of costs.

04. Inform this order to the Protection Officer for necessary action and compliance.

Daund.

Date :13/02/2026.

(A. S. Shaikh)

Judicial Magistrate First Class,
(Court No.4) Daund.

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 Steno	:- Deepak A. Merukar, Grade-3
Court / Panel	:- A. S. Shaikh 4 th Jt. C.J.J.D. & Judicial Magistrate First Class (Court No. 4) Daund.
Order / Judgment date	:- 13/02/2026.
Order / Judgment singed by	:- 13/02/2026.
the Presiding Officer on	
Order/ Judgment uploaded on :-	17/02/2026.