

MHPU180014012024	Presented on	:	15/04/2024.
	Registered on	:	18/04/2024.
	Decided on	:	01/08/2026.
	Duration	:	02Y. 03M. 14D.

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS COURT NO. 4, DAUND. DIST. PUNE. (Before A. S. Shaikh)		
P.W.D.VA. NO. 23/2024		Exh. No. 25.
	Sana Mujib Shaikh Before Marriage Sana Abdul Sayyad Age : 26 Yrs., Occu. : Household, C/o. Abdul Rasul Sayyad R/o: Malad, Tal. Daund, Dist. Pune.	Applicant
	Versus	
1.	Mujib Shakil Shaikh Age : 28, Occu. : Service,	
2.	Shakil Hanif Shaikh Age : 58, Occu. : Business,	
3.	Jabin Shakil Shaikh Age : 55, Occu. : Household, Respondent Nos. 1 to 3 are R/o. 36, Vesly road, Maldhakka chowk, Opp. Indian Oil, Kuber Garden, Pune.	
4.	Istesam Mubin Patel Age : 26, Occu. : Household, R/o. Mangalwar Peth, Kalawada, near Sasoon Hospital, Pune.	
	...Respondents	
	The Application under Sections 12 of the Protection of Women from Domestic Violence Act, 2005.	
	Appearance:- Shri. S. N. Kamat Ld. Advocate for the applicant. Shri. A. M. Khan Ld. Advocate for the respondents.	

J U D G M E N T

(Dated 01/08/2026)

The present application has been filed by the Applicant under Section 12 of the Protection of Women from Domestic Violence Act, 2005.

The case of the applicant, in brief, is as follows:

2. The applicant states that her marriage with respondent No. 1 was solemnized on 26/12/2017, as per Muslim rites and customs. Respondents No. 2 to 4 are her father-in-law, mother-in-law and sister-in-law, respectively. After the marriage, the applicant went for cohabitation at her matrimonial home with the respondents. Initially, the applicant was treated well. However, after some time, respondent No. 1 began doubting her character and along with the other respondents, started demanding Rs. 25 lakhs from her parents. The respondents issued threats and subjected the applicant to severe cruelty, the specific details of which are narrated in the application. During her pregnancy, the respondents neglected her medical care and continued to subject her to domestic violence.

3. The applicant further stated that, she eventually gave birth to a daughter, namely Simrah. However, the respondents also subjected the infant daughter to domestic violence. The applicant suffered severe physical abuse and torture, including being beaten and burned with candles. Consequently, the applicant lodged a NC complaint against the respondents at the local police station NC No. 656/2019. Following this complaint, the domestic violence escalated by the respondents. Respondent No. 1 demanded that the applicant show him naked videos of herself, subjected her to sexual domestic violence, repeatedly

assaulted her and continued to doubt on her character. Due to the persistent and unbearable domestic violence, the applicant was forced to leave the matrimonial home and is currently residing with her father along with daughter. She has no independent source of income and bears the sole responsibility of maintaining herself and her minor daughter. Conversely, respondent No. 1 is employed in the private sector with a monthly salary of Rs.40,000/- and respondent No. 2 earns an income from operating an auto rickshaw business. The respondents possess sufficient financial means to maintain the applicant and her daughter. Therefore, the present application has been filed under Section 12 of the P.W.D.V. Act seeking maintenance, return of *Stridhan*, rent, monetary compensation and protection orders.

4. Respondents Nos. 1 to 4 appeared before the Court through their Ld. Advocate. Despite being granted an opportunity under Exh.18, the respondents failed to file their say on record. Therefore, on 13/01/2026, the Court passed an order below Exh. 1 and proceeded further in the matter without the say of the respondents.

5. Perused the application and record. Heard the Ld. Advocate for the applicant. Despite being given a fair opportunity, the respondents failed to advance their arguments. Hence, the present application is being decided on its merits. Considering the statements made by the applicant, the following points arise for consideration before this Court, along with their findings and reasons:

Sr. No.	Points	Findings
1.	Whether the applicant proves that the respondents have committed domestic violence against her ?	Yes. (Against respondent Nos. 1 to 3 only)

2.	Whether the applicant is entitled to receive maintenance under Section 20 of the Act ?	Yes.
3.	Whether the applicant is entitled to receive a protection order under Section 18 of the Act ?	No.
4.	Whether the applicant is entitled to receive the Streedhan order under Section 19(8) of the Act ?	No.
5.	Whether the applicant is entitled to receive a house rent order under Section 19 of the Act ?	Yes.
6.	Whether the applicant is entitled to receive compensation under Section 22 of the Act?	Yes.
7.	What order?	As per the final order.

REASONS

6. The applicant relied upon her testimony at Exh.21, Article A, which is a photograph, the marriage card at Exh.22, the birth certificate of the daughter at Exh.23 and the Assets and Liability Affidavit at Exh.15. Despite being given an opportunity, the respondents failed to cross-examine the applicant hence, a no cross order was passed against them on 13/04/2026. The respondents relied upon the Assets and Liability Affidavit at Exh.17. However, despite being granted an opportunity, they failed to lead their evidence. Therefore, vide order dated 15/06/2026, the evidence of the respondents was closed.

AS TO POINT NOS. 1 TO 7:

7. As all the points are interlinked with each other, the discussion and findings on all the points are given together under the following heading.

8. It is the contention of the applicant that she is married to

respondent No. 1. She has relied upon her affidavit at Exh.21, which remains unchallenged before the Court. She has also relied upon the marriage certificate at Exh.22, which proved that her marriage was solemnized with respondent No. 1. She has further stated on oath that she went to reside and cohabit in the matrimonial home and this statement has also remained unchallenged. Thus, it is proved that she had joined the matrimonial household and resided with the respondents.

9. Since the present application is filed under Section 12 of the PWDV Act, the existence of a domestic relationship between the applicant and the respondents must be proved. Respondent Nos. 1 to 3 were residing with the applicant in a shared household therefore, they fall within the definition of respondents under the Act. However, the applicant has stated that respondent No. 4 was residing at a different address, i.e., Mangalwar Peth, Kalawada, Soon Hospital, Pune. It is therefore proved that respondent No. 4 was not residing with the applicant in the shared household at the relevant time. Hence, no domestic relationship existed between the applicant and respondent No. 4 and respondent No. 4 cannot be considered a respondent under the PWDV Act, 2005.

10. It is now necessary to examine whether the applicant has established that she is a victim of domestic violence. In her affidavit at Exh.21, the applicant has specifically narrated various incidents, including threats, allegations regarding her character, demand for Rs. 25,00,000/-, physical assault by respondent No. 1, sexual violence by demanding nude videography, beating and burning with a candle. The said testimony has remained unchallenged before the Court, as the

respondents have not cross-examined the applicant. Therefore, the applicant has proved that she is a victim of domestic violence as defined under the provisions of the PWDV Act, 2005.

11. The applicant has stated that she gave birth to a daughter, namely Simrah. This fact has been stated on oath and has remained unchallenged before this Court. The birth certificate at Exh.23 proved that the child is the daughter of the applicant and respondent No. 1. The applicant has further stated in her affidavit at Exh.21 that she is residing at her parental home along with her daughter and this statement has also remained unchallenged. Therefore, it is proved that the applicant is residing at her parental home along with her daughter.

12. In her affidavit at Exh.21, the applicant has stated that she is residing at her father's house and has no source of income. She has also submitted an Asset and Liability Affidavit at Exh.15, wherein she has specifically stated on oath that she has no income to maintain herself and her daughter. The applicant has further stated that respondent No.1 is earning income through private employment however, she has not produced any document on record to establish his exact income. Respondent No.1 has submitted his Asset and Liability Affidavit at Exh.17 and disclosed his monthly income as Rs. 5,000/-. It was the duty of respondent No.1 to produce documentary evidence regarding his actual income however, he has failed to do so.

13. It is admitted from the affidavit and material available on record that the applicant and her daughter are residing separately from respondent No. 1 due to the alleged domestic violence. Since the applicant has no independent source of income and is residing separately along with her daughter, respondent No. 1 has a legal as

well as moral obligation to maintain his wife and daughter. There is no document on record to show that respondent No. 1 has made any arrangement for the maintenance of the applicant and her daughter. Therefore, respondent No. 1 has failed to discharge his duty to maintain them and the applicant is entitled to claim maintenance from him. Though there is no specific evidence regarding the exact income of respondent No. 1, considering the present cost of living, inflation and expenses required for food, clothing, medical needs and other necessities, respondent No. 1 is liable to contribute towards the maintenance of the applicant and his daughter. Respondent No. 1 has submitted an Asset and Liability Affidavit stating that he earns Rs. 5,000/- per month. However, considering the present economic conditions, the said income does not appear to be believable as the age of respondent No.1 is 28 years. In the absence of specific evidence regarding his actual income and considering the overall circumstances, it is appropriate to award maintenance of Rs. 3,000/- per month to the applicant and Rs. 1,200/- per month to her daughter, namely Simrah.

14. The applicant has contended that she is entitled to receive rent from respondent No. 1. However, no rent agreement has been produced on record by the applicant. Further, in her affidavit at Exh.21, the applicant has stated that she is residing with her father. Therefore, there is no documentary evidence on record to prove that the applicant is residing in a rented premises. However, it is the duty of respondent No. 1 to provide suitable residential accommodation to the applicant and her daughter. As respondent No. 1 has failed to provide such accommodation, the applicant is entitled to receive an appropriate amount towards rent or residential expenses. Considering that the

applicant is presently residing at her father's house and considering the facts and circumstances of the case, an amount of Rs. 500/- per month would be just and proper towards rent.

15. The applicant, through her unchallenged evidence at Exh.21, has specifically narrated the incidents of domestic violence committed by respondent Nos. 1 to 3 during the period of cohabitation in the shared household and has established the existence of a domestic relationship between the parties. Thus, the applicant has proved that she was subjected to domestic violence. Considering the facts and circumstances of the case, the status of the parties, and the absence of specific evidence regarding the income of the respondents, an amount of Rs. 15,000/- towards compensation would be just and proper to meet the ends of justice. The said amount shall be paid by respondent Nos. 1 to 3 to the applicant.

16. The applicant has also sought the relief of return of her Streedhan. However, she has not produced any documentary evidence to prove that the said articles were purchased by her or her relatives. She has also failed to prove that such articles are in the custody or possession of the respondents. In the absence of any specific description, ownership proof or evidence regarding the alleged articles and goods, it would not be just and proper to pass any order directing the respondents to return the Streedhan. Therefore, the applicant is not entitled to any relief regarding the return of Streedhan.

17. The applicant has also sought a protection order from the Court. The present application was filed in the year 2024. However, the applicant has not brought any specific incident on record to show that the respondents have committed any act of domestic violence against

her after filing of the application or while she was residing at her parental home. It is admitted that the applicant is residing at her parental house at Malad, Tal. Daund, whereas the respondents are residing at Pune. There is a considerable distance between the residences of the applicant and the respondents. In the absence of any specific incident or apprehension of further domestic violence from the respondents, and considering the circumstances prevailing from the date of filing of the application till its disposal, in my opinion, the applicant is not entitled to the relief of a protection order.

18. In conclusion, applicant No. 1 is entitled to receive maintenance of Rs. 3,000/- per month and her daughter is entitled to receive maintenance of Rs. 1,200/- per month from respondent No. 1. The applicant is also entitled to receive Rs. 500/- per month towards rent from respondent No. 1. Further, the applicant is entitled to receive compensation of Rs. 15,000/- from respondent nos. 1 to 3 and costs of Rs. 1,000/- towards the application. The applicant is not entitled to the relief of a protection order or the return of Streedhan. As the applicant has failed to prove the existence of a domestic relationship between herself and respondent No. 4, respondent No. 4 is not liable to pay any amount to the applicant. Therefore, I answer Point Nos. 1, 2, 5 and 6 in the affirmative and Point Nos. 3 and 4 in the negative. Accordingly, I pass the following order for Point No. 7.

ORDER

1.	The application is partly allowed.
2.	Respondent No. 1 is directed to pay maintenance of Rs. 3,000/- (Rupees Three Thousand only) per month to applicant No. 1 and Rs. 1,200/-

	(Rupees One Thousand Two Hundred only) per month to the minor daughter Simrah towards the maintenance, from the date of filing of the present application. The amount paid towards interim maintenance shall be adjusted against the aforesaid maintenance amount.
3.	Respondent No. 1 is hereby directed to pay Rs. 500/- (Rupees Five Hundred only) per month to the applicant towards rent.
4.	Respondent nos. 1 to 3 are hereby directed to jointly and severally pay a sum of Rs. 15,000/- (Rupees Fifteen Thousand only) to applicant No. 1 towards compensation.
5.	Respondent nos. 1 to 3 are hereby directed to pay Rs. 1,000/- (Rupees One Thousand only) to the applicant towards the cost of the application.
6.	The reliefs claimed against respondent No. 4 are hereby rejected.
7.	A copy of this order shall be provided free of cost to the applicant and the Protection Officer.
	(Dictated and Pronounced in the open court)

Date : 01/08/2026.

(A. S. Shaikh)
Judicial Magistrate First Class,
(Court No.4) Daund, Dist. Pune.

C E R T I F I C A T E

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	:- 01/08/2026.
Order / Judgment singed by	:- 01/08/2026.
the Presiding Officer on	
Order/ Judgment uploaded on	:- 01/08/2026.