

**ORDER BELOW EXH. 05.**

1] The present application is filed under Section 23 of Protection of Women from Domestic Violence Act, 2005 for interim relief in accordance with the principal application.

2] It is the contention of applicant that their marriage was solemnized on 10.02.2022 at Pune, Dist Pune. Non applicant has treated nicely for few days after their marriage. Thereafter, Non-applicant started ill-treating with the applicant. Non applicant use to beat and abuse the applicant. Non applicant use to keep applicant starving, they did not take care of the applicant. Non applicant demanded twenty thousand rupees. As per the demand father of applicant has paid the said amount to the non applicant. However, there is no change in the behavior of no applicant. Non-applicant No.1 is addicted of liquor and under the influence of liquor use to beat applicant. Due to the harassment by the non applicant the baby of applicant died in the womb. Thereafter also the harassment by the non applicant was continued. They demanded Rs. 7,00,000/- and thrown her out from the house. Applicant narrated all harassment to her parents. They given understanding to the non-applicant, however, there is no change in their behaviour. Non applicant was torturing applicant physically, economically and mentally. Applicant has stated several incidents of the domestic violence in her main application at Exh.1. Due to physical and mental harassment given by the non applicant to the applicant, she has left no option to reside with her parents. The ill-treatment of the non-applicant forced her to file the present

application. Since 25.06.2024 she is residing with her parents. The non-applicant is not providing anything towards maintenance to the applicant. Therefore, applicant prayed for interim maintenance till pendency of the main application.

3] Non-applicant are appeared in the matter and filed their reply and written statement at Exh.12. They denied all adverse allegations against them and submitted that applicant was saying that she was not willing to marry non applicant No.1. She married only under the pressure of her parents. Applicant used to go to her parent's house and used to quarrel of parents of non-applicant. They have not harassed to the applicant as alleged. Applicant willingly residing with her parents. Applicant denied to co-habit with the non applicant. When non-applicant went to the house of applicant for taking her back to home. Applicant flatly denied to come with the non-applicant. Applicant willingly residing with her parents and willingly left the non-applicant No.1. Hence, prayed for rejection of the application.

4] Heard , Ld. Advocate for the applicant and non-applicant at length.

5] On perusal of record prima facie it appears that the wedlock of both these persons is still in existence. Ld. Advocate for the applicant has submitted that non-Applicant no. 1 is having service in the Municipal Corporation, Daund. He has fourty thousand per month salary. Also has own flat. Except applicant nobody depend upon non-applicant No.1. The economic condition of non-applicant is sound. To support her argument she has not

filed anything on record to show the exact income of non-applicant. On the other hand, ld. advocate for the non-applicant submitted that he has responsibility of his mother. He has to spent Rs 3000/- per month for the medical of his mother. He is having income of Rs. 24,055/- . Further, he has pay loan. They reside in rental premises. Applicant is well educated. Her brother are in government service. Non-applicant no. 1 is ready to cohabit with the applicant. She is not entitled for maintenance as prayed. To support his argument he has not filed any document to show the income source of applicant.

6] While deciding the present application prima facie case is to be seen. The allegations made by applicant are specific. At this juncture, the merits of the matter are not supposed to be considered. Considering the facts on record it appears that prima facie case is made out. On perusal of record there is nothing on record to show that non-applicant has made any arrangement for livelihood of the applicant. This fact amounts to economic abuse/violence as defined under the Domestic Violence Act, 2005 which is the part of domestic violence.

7] Prima facie it appears that at present applicant is not having any income source. On perusal of asset and liabilities affidavit filed by non-applicant. Prima facie it appears that non-applicant is having near about Rs. 24055/- p.m. income. Non applicant no. 1 is able bodied person. Therefore, for the sake of survival of applicant. I find it proper to make necessary arrangements till the decision of the case. Applicant prayed for maintenance for herself. Considering the nature of dispute, the

stage of the matter, the standard of living of both the parties, responsibility upon the non-applicant and the submissions of applicant, I find that at this stage Rs. 5,000/- per month towards interim maintenance to the applicant would suffice the ends of justice. It is legal duty of non- applicant No.1 to look after the applicant. The applicant is partly entitled to the reliefs claimed. Hence, I pass the following order-

**ORDER**

1. The application is partly allowed.
2. Non-applicant no.1 shall pay Rs. 5,000/- (Rs. Five Thousand only) per month to the applicant towards interim maintenance from the date of order till further order.
3. Rest of the prayers will be considered on merit.

Copy of this order be provided free of cost to both the parties.

Daund

Date :-20.05.2025.

**( S.D. Mukkanwar )**

Judicial Magistrate, First Class,  
Daund, Dist- Pune