



ORDER BELOW EXH. No.05 IN CRI. PWDV APPLICATION.

No.50/2023

[Nutan Shinde Vs Gourav Shinde]

(Passed on 05th November, 2024)

This application is moved by applicant under Section 23 of the Protection of Women from Domestic Violence Act, 2005. (Hereinafter referred as “D.V. Act” for brevity).

APPLICANT’S STORY :-

02. Applicant has moved this application seeking relief of interim maintenance of Rs 20,000/- per month from the respondents. As per applicant, she is legally wedded wife of respondent no. 1. The marriage between applicant and respondent no.01 was solemnized on 20.2.2022 at village Kurkumb, Tal. Daund, Dist. Pune as per Buddhist rites and rituals. After marriage, the applicant was cohabiting with the respondents at their matrimonial house but respondent was not behaving properly and causing various forms of violence due to dislike for applicant as it was a love marriage. Further, they were quarreling with applicant on petty issues and were causing verbal violence. Even respondents were against the applicants education and they wanted her to stay at home only. Applicant was performing all her duties as daughter in law, but respondents were never satisfied with her and they used to

fight on petty issues. Thus, respondents were abusing her verbally and causing physical and mental harassment to applicant. Thus, respondents have caused physical violence against applicant and forcefully removed her out of shared matrimonial house. Thus, respondents have caused domestic violence against applicant.

03. Despite of making several attempts, amicable settlement could not become possible between them. Therefore, applicant is residing with her parents. But respondent have not made any arrangement for maintenance of applicant as well as her education. Respondent have even neglected to pay for necessary day to day expenses of applicant. As a result, applicant has also suffered economic violence at the hands of respondent.

04. Respondents filed say at Exh. 11 and have denied all the contentions of applicant about causing various types of violence in toto. The factum of marriage is admitted fact. As per respondents, the marriage between applicant and respondent no. 1 was a love marriage, therefore, applicant was never caused any kind of violence by respondent no. 1. Per contra, after the marriage applicant was not ready to perform any household duties expected from a daughter-in-law. Further she was adamantly behaving with all the respondents and had an ego of her higher education as compared to respondent no. 1. Therefore, applicant has left the matrimonial house at their own. Further, applicant was aware about the responsibility of respondent to take care of his parents. But applicant was not willing to reside together and thereby applicant was insisting for separate residence. As respondent denied the separate residence, applicant was not behaving properly with respondent and his parents and she

has left the matrimonial house on her own. Respondent have never forced or removed applicant from the shared matrimonial house. Further, respondent never demanded any money from the applicant. Therefore, applicant is not entitled for any maintenance. Per contra, applicant have filed this application with an intention to grab money from respondents. Furthermore, applicant is well qualified and earning woman. Therefore, she is not entitled to get any monetary relief. Therefore, this application deserves to be dismissed.

05. Heard Ld. Advocate of applicant and respondents at length.

06. The following points arise for determination of this application and I have recorded my findings thereon along with reasons :-

<u>SR. Nos.</u>	<u>POINTS</u>	<u>FINDINGS</u>
01.	Whether the applicant proves that she was subjected to domestic violence by respondents ?	<u>Yes.</u>
02.	Whether applicant is entitled for interim maintenance of Rs.20,000/-, as prayed ?	<u>Yes, in part.</u>
03.	What order ?	<u>As per final order.</u>

07. Perused the record in detail.

ADMITTED FACTS :-

08. The factum of marriage between applicant and

respondent no.01 is admitted fact. At present, both are residing separate since 1/8/2022 is also not denied.

09. In view of directions of the Hon'ble Supreme Court in **Neha Vs Rajnesh**, applicant and respondent have filed their affidavits of assets and liabilities at Exh. 14 and Exh. 15 respectively.

AS TO POINT No.01 :-

10. On perusal of record and the contentions of this application which is duly supported by Affidavit of applicant as per statutory requirement, prima facie it appears that applicant was subjected to physical violence and mental torture as well as verbal violence at the hands of respondent in their shared matrimonial house on the ground of performance of high scale marriage and misbehavior of applicant. Applicant have pleaded in detail these incidences of violence in her Affidavit. Even the say of respondent about insisting separate residence, negligence of applicant to take care of his parents and intention of applicant to grab money through this application shows incidences of verbal abuse occurred against applicant in the shared matrimonial house.

11. Admittedly, applicant is residing separate from the respondent. But the contentions in say of respondent do not show that he has made any arrangement for the day to day expenses of applicant. He has not made any arrangement for the maintenance of applicant. Respondent no.01 being a husband is legally bound to maintain his wife. Not maintaining wife also amounts to economical violence. The incidences of domestic violence occur within the four corners of an household. Therefore, the only evidence of these

incidences will be the contentions of applicant and her Affidavit filed in its support. Therefore, I answer point no.01 in affirmative.

AS TO POINT No.02 :-

12. In view of affirmative answer of point no.01 and admitted fact that applicant is legal wedded wife of respondent no.01 and therefore, he is duty bound to provide for maintenance of applicant. As per pleading of applicant and Affidavit (Exh. 14), she is not working any where and taking education. Further, respondents have not produce any documentary evidence to show that applicant is earning woman. Furthermore, respondent no.01 being husband of applicant, have not made any arrangement for day to day maintenance of applicant. In the Affidavit of assets and liabilities of respondent (Exh.15), he has taken education till HSC and is working as labour. His parents are dependent upon him. He do not have any liabilities as per Assets and Liabilities affidavit. Respondents also have immovable joint family properties as per revenue record filed on record (Exh. 19). Furthermore, respondent no. 1 being an able bodied person is capable to earn and even duty bound to maintain his legal wedded wife.

13. Considering all these facts and circumstances, respondent being husband, is duty bound to maintain his legal wedded wife, monthly maintenance of Rs.6,000/- will be appropriate in this case. This maintenance will be payable from the date of application. Therefore, I answer point no.2 in part affirmative accordingly.

AS TO POINT No.03 :-

14. In view of a answer to point nos. 01 and 02, I answer point no.03 are as follows :-

ORDER

01. Application is partly allowed.
02. Respondent no.01 is directed to pay monthly interim maintenance of Rs.6,000/- (Rupees Six Thousand only) per month to applicant from the date of this interim application.
03. Copy of this order be given to applicant free of cost and be sent to Protection Officer for execution.

Place :- Daund.
Date :- 05.11.2024.

[**Smt. S. A. Virani**]
J.M.F.C., Daund, Dist. Pune.

CERTIFICATE

I affirm that the contents of this P.D.F. file of Order are same, word to word, as per the original Order.

Name of Steno	:-	S. A. Kanaki.
Name of the Court	:-	Smt. S. A. Virani, J.M.F.C., Daund, Dist. Pune.
Order date	:-	05.11.2024.
Order signed by the Presiding Officer on	:-	05.11.2024.
Order uploaded on	:-	05.11.2024.