

**ORDER BELOW EXH.05**

1. Applicant Komal Nitin Gavhane filed present proceeding under Section 12, 18, 19, 20 and 22 of the Domestic Violence Act. At the same time, applicant has requested for granting ad interim maintenance to herself and her daughter Sayesha and requested for prohibiting the respondents from alienating her Shridhan till the disposal of this proceeding by filing interim application under Section 23 and 18 (e) of the Domestic Violence Act. Heard learned advocate Shri. Lolge for applicants and learned Advocate Shri. Dighe for respondents.

2. The applicant has averred that, marriage between applicant and respondent no. 1 was solemnized on 14/08/2020 at Walki, Tah. Daund, District Pune. From their wedlock a daughter namely Sayesha was begotten. She further averred after marriage she went to her matrimonial house. Thereafter, initial some days respondents treated her well. Thereafter, all the respondents on account of dowry for brick-kiln tortured applicant. They tortured applicant on various occasions. They threw her from matrimonial house dtd.06.10.2022. Since then applicant along with her daughter have been residing at her parents home Alegaon Paga, Tah.Daund, Dist. Pune. The respondents denied to maintain them. The applicants requires maintenance for their daily livelihood and maintenance. So, she has prayed to grant interim maintenance of Rs.20,000/- per month from respondents and requested for prohibiting the respondents from alienating her Shridhan.

3. The respondents have filed their say below Exh. 11 and admitted that, applicant is legally wedded wife of respondent no. 1. They admitted that applicants resided separately from respondents, but denied all other allegations content in application. The respondents have contended that, they neither harassed applicant. On the other hand, they contended that applicant mentally tortured respondents. She used to go her parental home. She used to beat her daughter. She always threatened respondents. He further submitted that applicant no. 1 herself left matrimonial house without having any reason. Hence, respondents prayed to reject the application.

4. Considering the rival contentions of both parties, following points arise for my determination and my findings on it, and reasons therefore, are as follows :-

| Sr. Nos. | Points                                           | Findings                  |
|----------|--------------------------------------------------|---------------------------|
| 1.       | Whether the application deserves to be allowed ? | In the partly affirmative |
| 2.       | What order ?                                     | As per final order.       |

### **REASONS**

#### **As to Point No. 1 :-**

5. Learned Advocate Shri. Lolge has submitted for applicants that, the respondents had not provided any maintenance to applicants. The applicants requires maintenance for their daily livelihood and maintenance. So, she has prayed to grant interim maintenance of Rs. 20,000/- per month to them from respondents and requested for prohibiting the respondents from alienating her Shridhan. Per contra, learned Advocate Shri. Dighe denied entire contention of the applicant. He submits that respondent No.1 is always

ready to co-habit with applicant. According to them, the properties mentioned by the applicant are the joint family property of respondents. Respondent No.1 does not have any source of income. There is not iota of evidence about the brick-kiln as alleged.

6. It is admitted fact that applicant is legally wedded wife of non-applicant no. 1 and applicant no. 2 is their daughter. The applicant has made allegations against non-applicants about harassment. The respondent no. 1 is able bodied person. There is nothing on record to show that applicant has separate income. Respondents are continuously committed act of domestic violence due to which applicant constrained to leave company of respondents. Applicant filed on record copy of marriage card, copy of complaint given to the Yavat police station dtd.06.10.2022, copy of FIR, copy of NCR No.926/2022 and copy of reply to the notice of respondent. Perusal of the same reveals that applicant lodged report under Section 498-A, 323, 504, 506 and 341 r/w.34 of Indian Penal Code against respondents. There is no reason to disbelieve the submission as regards mental stress and illness with inability of applicant to maintain herself. Therefore, applicant is in need of monetary relief. After marriage it is moral as well as legal obligation of every husband to provide medical and finance aid to his wife for her maintenance. Husband's Foremost duty is to Maintain Wife and children. Applicant submitted that respondents are having joint family property and brick-kiln business. Their annual income is Rs.20,00,000/-. In support of her contention she filed on record copy of Gav Namuna 8-A of account No.628, 1001, 920. She further filed 7/12 extract of the land gat No.49, 66, 42, 40 and 39. Perusal of the same reveals that land properties are in the name of respondent No.2. There is no evidence which shows that respondents is having brick-kiln business as alleged. Taking into considering all the fact and circumstances it would be just and proper to grant interim relief, so as to achieve ends of justice. It is proper

to grant interim maintenance of Rs. 4000/- per month to applicant no. 1 and Rs. 2000/- per month to applicant no. 2 from respondent no. 1. However, applicant failed to show that respondent had taken her Shridhan and they are alienating the same. Hence, I answer point No. 1 in the partly affirmative accordingly.

**As to point No. 2 :-**

7. On conspectus of the aforesaid discussion and my findings to point No.1 so as to answer point No. 2, I proceed to pass following order :

**ORDER**

1. The application is partly allowed.
2. Respondent no. 1 is directed to provide interim maintenance of Rs. 4,000/- (rupees Four Thousand only) per month to applicant no. 1 and Rs. 2,000/- (rupees Two Thousand only) per month to applicant no. 2 from the date of application till final decision of this case.
3. Prayer in respect of Shridhan is hereby rejected.
4. Copy of this order be given to parties free of cost.

Date :- 21/06/2024

(P. S. Sonkamble)  
Judicial Magistrate F. C.,  
Shirur-Ghodnadi

## प्रतिज्ञापत्र

मी सत्य प्रतिज्ञेवर कथन करतो की, प्रस्तुत फाईलमधील मजकूर हा मुळ न्यायनिर्णय/आदेशाप्रमाणे आहे.

|                            |                                                                           |
|----------------------------|---------------------------------------------------------------------------|
| पिठासीन अधिका-याचे नाव     | ः पी.एस.सोनकांबळे.<br>न्यायदंडाधिकारी प्रथमवर्ग,<br>घोडनदी-शिरूर, जि.पुणे |
| लघुलेखकाचे नाव             | ः पी. एस. गुळगी,<br>लघुलेखक श्रेणी - ३.                                   |
| आदेशाची तारीख              | ः २१/०६/२०२४                                                              |
| आदेशावर सही झाल्याची तारीख | ः २१/०६/२०२४                                                              |
| आदेश अपलोड दिनांक          | ः २१/०६/२०२४                                                              |