

**Cri. M. A. No. 324/2020
Pranali Vs. Akshay & ors.**

Order Below Exh.14.
[Passed on 04/01/2022]

This petition u/s. 12 of Protection of Women from Domestic Violence Act, 2005 (for short "D.V. Act") is filed by the petitioner Pranali for several reliefs and by way of present application at Exh.14, she has claimed interim maintenance. The petition is presented in prescribed format through Protection Officer. The necessary affidavits are filed.

2. Read the application. Heard Ld. Advocate for the petitioner. None present for the respondents to argue on this application. The respondents have filed their say to the main application at Exh.10. They have not filed say to the present application. I have considered their say at Exh.10.

3. As per directions of Hon'ble Supreme Court in ***Criminal Appeal No.730/2020, Rajnesh Vs. Neha & ors., decided on 04/11/2020***, the petitioner has filed her affidavit vide Exh.11 in prescribed format. But, the respondent no.1 has not filed the said affidavit till date.

4. I have considered the submissions on record made by the petitioner. I have also considered, the scope of section 23 of D.V. Act. The marital relation between the petitioner and respondent no.1 Akshay is not matter of dispute. They are husband and wife, who shared domestic relations with each other at the relevant time. From the submissions on record, there appears some marital discord between the parties.

5. Considering submissions of petitioner in her application and affidavit at Exh.11, at present, there is no iota of evidence on record to show that, the petitioner earns something suitable for her life. Hence, the respondent no.1 being her husband is under legal and moral obligation to maintain her.

6. So far as the quantum of interim maintenance is concerned, this Court has to see, todays rising prices of essential commodities, life style of the petitioner and on the other hand this court has to see the financial position of respondent no.1. The respondent is stated to be doing agree and Hotel business. The nature and exact income of said business is not cogently stated by the petitioner. But the respondent no.1 appears to be able bodied person.

7. Thus, considering the relationship between the petitioner and respondent no.1, and considering the submission on record, following order is passed.

Hence, the order.

ORDER

- (a) Respondent no.1 Akshay shall pay ₹5000/- per month to the petitioner as an interim maintenance from the date of the main petition that is from 13/10/2020 until further order.
- (b) Copy of this order be given to the petitioner and respondent free of costs.
- (c) Copy of this order shall also be sent to the concerned Protection Officer and the concerned Police Station for information and necessary action.

(d) The hearing of the case is expedited.

Pronounced in open Court.

Dated : 04/01/2022.

[Devendra B. Patange]
Judicial Magistrate First Class,
Court No.2, Khed-Rajgurunagar

CERTIFICATE

I affirm that the contents of this PDF file Judgment/order are same word for word as per original Judgment/order.

Name of Stenographer	Shri. D. V. Sawane- Grade-III
Court Name	Shri Devendra B. Patange Civil Judge, Junior Division, Khed-Rajgurunagar, Dist. Pune.
Date of Judgment/order	04-01-2022
Judgment/order signed by Presiding Officer on	04-01-2022
Judgment/order uploaded on	05-01-2022