

ORDER PASSED BELOW EXH.5 IN CRI MA.NO.85/2022.

This is an application under Section 23 of The Protection of Women from Domestic Violence Act 2005 (hereinafter called as 'the D.V. Act') for interim maintenance order.

2] It is contended that the applicant is legally wedded wife of the respondent No.1. It is contention of the applicants that respondent No.1 and his family members abused and tortured applicant No.1 for sort of reasons. It is also alleged that respondent No.1 is liquor addictor and under influence of liquor he physically and mentally harassed applicant. Respondents have physically and mentally ill-treated to the applicant and they have committed domestic violence on her. The applicant has no source of income. The respondents having agricultural land and getting income of Rs.10,00,000/- per annum from agricultural land. Hence, prayed that interim maintenance of Rs.10,000/- per month to applicant may kindly be granted.

3] The respondents have filed their say at Exh.13 to this application and main application. They have admitted relationship with the applicant. They denied the contentions of applicant about ill-treatment committed by them. It is contended that applicant herself harassed respondent No.1 and his family members. The applicant herself deserted to respondent No.1. He has tried to cohabit with applicant No.1 but she herself refused to cohabit with him. Respondents have not committed domestic violence on applicant. Lastly, they prayed for reject the application.

4] Heard both the sides and perused the record.

5] It is contended that the applicant is legally wedded wife of the respondent No.1. The applicant contended that after marriage she went to house of respondents for cohabitation. Initially respondents cohabited her properly but thereafter they started physically and mentally harassing her. It is alleged that respondents abused and beaten her for sort of reasons. It is also alleged that respondent No.1 is liquor addictor and under influence of liquor he physically and mentally harassed applicant. Respondents have physically and mentally ill-treated to the applicant and they have committed domestic violence on her. Respondent No.1 has not provided maintenance to applicant. It is alleged that the respondent No.1 and his family members caused mental and physical torture to the applicant for sort of reasons as mentioned in the application. Considering the allegations in the application, *prima-facie*, it appears that respondents have committed act of Domestic Violence. Being a wife it is duty of respondent No.1 to maintain applicants.

6] In the present case, it is contended by the applicant that respondents having income of Rs.10,00,000/- per annum from agricultural land. No one depends upon him. But, no evidence brought on record to show the income of respondent No.1 as contended by applicant.

7] Applicant has affidavit of assets and liabilities. Respondent No.1 has not filed his affidavit of assets and liabilities even after giving ample opportunities. It shows that he is not disclosing his actual income. Respondent No.1 is able bodied persons and it is his legal and moral duty to maintain applicant being

husband. Respondent No.1 even after having opportunity not disclosed his real income. However, in nowadays any person can get daily income of Rs. 400/- to 500/- from labour work. Therefore, it can be said that respondent No. 1 has income source. Moreover, the relation with applicant admitted by respondent No. 1. Therefore, being husband it is moral and legal duty of respondent No. 1 to maintain applicant. However, it appears that the respondent has not paid any fair and reasonable amount to the applicant. Therefore, the applicant is entitled for the interim maintenance.

8] Considering this aspect, I am of the view that, at this stage, the applicant is entitled for interim maintenance of Rs. 2,500/- per month from respondent No. 1. In view of the above said discussion, the application deserves to be allowed partly. In the result, I pass the following order. :-

ORDER

- 1] The application (**Exh.5**) is partly allowed.
- 2] The respondent No.1 namely Deepak Vishwas Lohakare is directed to pay interim maintenance of Rs.2,500/- (Two Thousand Five Hundred only) per month to the applicant from the date of this application till final disposal of the case.
- 3] Copy of the order be provided to the applicant and respondent No.1 free of cost.

Date :- 09/01/2026
Ghodegaon

(Santosh L. Vaidya)
Judicial Magistrate (F.C.)
Ghodegaon Dist. Pune.

CERTIFICATE

I certify that the contents of this PDF file are word to word as per Original Order.

Name of the Steno : Rushikesh K. Shengule

Name of the Court : Court of Jt. CJJD & JMFC,
Ghodegaon, Tal. Ambegaon Dist.Pune

Date of Order : 09/01/2026

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