



Sarika Suraj Rahatal

Vs

Suraj Prakash Rahatal

ORDER BELOW EXH. 64

This is an application filed by the applicant under section 23 of the Protection of Women from Domestic Violence Act, 2005 ("P.W.D.V. Act") for getting interim relief of maintenance in terms of section 20 of the P.W.D.V. Act.

2. It is the case of the applicant that, she is legally wedded wife of respondent No.1 i.e. Suraj Rahatal. Their marriage was solemnized on 25/11/2017 as per the Hindu religious rites and rituals at Mengadewadi, Taluka Ambegaon, Dist. Pune. The respondent Nos.2, 3 and 4 are respectively father-in-law, mother-in-law and sister-in-law of applicant.

3. After marriage she had been to the house of respondent No.1 for cohabitation. After marriage, the first few days were nice. After some time the applicant comes to know that the respondent No.1 has a habit of drinking. He used to harass the applicant after drinking. In February 2018, by the saying of respondent Nos.2 and 3, the respondent No.1 asked for an illegal demand of dowry of an amount of Rs.1,50,000/- to the applicant. She refused to give the same, therefore he beat her. Afterwards the respondent No. 3 used to abuse and insult and intimidate the applicant. Due to harassment and ill-treatment of the respondents, the applicant gave the amount of Rs.1,50,000/- by online transaction.

4. At that time the applicant was doing a job, respondent No. 2 and 3 asked for her salary also. Applicant was unable to do job and household work. Due to that she became ill. She resigned the job then respondent Nos. 2 and 3

forced her to do job by doing mental and physical ill treatment. They thrown out of the house to the applicant. The respondent No.2 said to the applicant that “ जॉब करत असशील तर च सासरी ये.” Afterwards respondent No.1 called her and told her that they are going to America. In America also respondent No.1 used to drink. He forced the applicant for doing job there. The respondent No.2 and 3 were always in contact with respondent No.1. They used to harass applicant through respondent No.1. The respondent No.1 opposed giving birth to their child. In America there was no one to tell all these ill treatment, therefore the applicant had a beard that quietly.

5. In August 2020 they returned to India. Afterwards, the respondents forced her to do job. Due to household word and job, the applicant falls ill. Again they started beating her and abusing her in filthy language and threw her out of the house. Afterwards respondent No. 2 called the applicant by saying that there is engagement of respondent No. 4. Just to continue the relationship, the applicant again went to her matrimonial house. Again after a few days they started the ill treatment to the applicant and on 10 June 2021 they threw her out of the house. Applicant went to her parents house, there she became very ill. Her parents called respondent No. 1 but he did not come. On 19/09/2021 applicant, her parents and relatives went to the matrimonial house of the applicant to resolve the dispute. At that time respondent No. 2 and 3 abused the applicant and her relatives in filthy language and said, “आम्ही तुमच्या मुलीला नांदवणार नाही, हिला येथून घेऊन जा. हिच्यापेक्षा चांगल्या मुली आम्हाला मिळतील. आम्ही आमच्या मुलाचे दुसरे लग्न करून देणार आहे. तुम्ही बिनधास्त आमच्यावर केसेस करा आम्ही कोणाला घाबरत नाही.” Therefore applicant has filed the case in Manchar Police Station against the respondents.

6. Now, the applicant is living at her parent's home. She is unable to maintain herself. On the contrary, respondent No. 1 is serving in Mahale Behar India Ltd. He has a salary of rupees Rs. 1,00,000/- per month. Also

respondent No.2 is having 10 R land at Musalgaon MIDC. Respondent No.1 is not having any responsibility other than applicant. The applicant has filed the interim application at the time of filing the main application but the predecessor passed an order that there was no urgency hence the said application should be tried with main application. Hence, the applicant has been constrained to file a present application. With this, the aggrieved person prayed for interim maintenance of an amount of Rs.50,000/- per month.

7. Respondents have appeared before the Court and resisted the application by filing say at Exh.66. Respondent No. 1 has admitted that the applicant is his wife. However, he denied the allegations. He contended that the said application is not tenable at this stage as the Hon'ble court has passed an order that there was no urgency hence the interim application should be tried with main application. The applicant has examined the witnesses and closed her evidence already. He denied all the contents of application and ill treatment. It is also denied that they drove the applicant out of the house.

8. According to them the applicant is highly educated and she is working before and after marriage in the Infosys Company, she earns approximately Rs.20,000/- per month. The said fact is admitted by her in her evidence. Applicant is not having any children, therefore she has not any responsibility. It appears from the evidence she used to pay income tax to the government. Respondent No.1 has no income except employment. He has to look after his old aged parents. The father of respondent No.1 was ill and his heart surgery took place. His medical expenses are about 25 to 30 thousand per month. The respondent No.1 is residing on rent in Pune. His monthly expenses are about 25 to 30 thousand rupees. On the contrary, the applicant earns a handsome salary. She can maintain herself. With this, respondents prayed for rejection of the application.

9. Perused the application and say. Heard Learned advocate for the applicant Shri. N. P. Kale and the learned advocate for respondents Shri. V. S. Changan. Considered their submissions. They argued as per their application and say.

10. The following points arise for determination, I have recorded my findings thereon, for the reasons stated thereunder.

Sr. No.	Points For Consideration	Findings
1.	Whether the applicant prima facie proves that, she is / was in domestic relationship with the respondents ?	Yes.
2.	Whether the applicant prima facie prove that, she was subjected to domestic violence by respondents ?	Yes.
3.	Whether the applicant is entitled to the relief of interim maintenance as prayed ?	Yes.
4.	What order ?	Application is partly allowed

REASONS

AS TO POINT NO. 1

11. Perusal of the say filed by respondents reveals that, it is not disputed that applicant is the legally wedded wife of respondent No.1. Further, respondent No.1 has not disputed the fact that he & applicant were residing together at her matrimonial house. Hence, as per the provisions of Sections 2(f) & 2(s) of the Protection of Women from Domestic Violence Act, 2005, the applicant & respondents appear to be in domestic relationship & were living

together in a shared household respectively. Hence I answer Point No. 1 in affirmative.

AS TO POINT NOS. 2 AND 3

12. It is worth to mention here that if the Magistrate is satisfied that the application prima-facie discloses that respondents are committing or have committed an act of domestic violence, he may grant an interim order providing various reliefs as provided by the P.W.D.V. Act. Aggrieved person i. e. applicant has filed the main application under section 12 of the P.W.D.V. Act supported with affidavit and assets and liability certificate.

13. According to the respondents the present application of interim maintenance is not tenable at this stage as the evidence of the applicant is already closed. He also wants to furnish his evidence. The section 2 (k) of P.W.D.V. Act provides that the “monetary relief” means the compensation which the Magistrate may order the respondent to pay to the aggrieved person, **at any stage during the hearing of an application** seeking any relief under this Act, to meet the expenses incurred and the losses suffered by the aggrieved person as a result of the domestic violence. Therefore the present application is maintainable.

14. For getting interim relief within the ambit of section 23 of the P.W.D.V. Act, the applicant has to show that respondents have committed acts of domestic violence. Respondent No.1 has indeed denied that they have committed any act of domestic violence. It is pertinent to mention here that the application under section 23 of the P.W.D.V. Act is for fixing interim maintenance. The Interim maintenance is fixed on taking a prima-facie view of the matter. The contents of the application filed under section 12 of the P.W.D.V. Act and the reply filed by respondent No.1 to the said application indicate that both parties have leveled allegations and counter allegations

against each other. Proof of those allegations is a matter of trial. Whether respondents have committed acts of domestic violence or not is a matter of detailed inquiry. Though the evidence of the applicant is completed, the evidence of respondents is yet to be complete. Respondents have the opportunity to wash out the allegations against them. While deciding present application it is necessary to see prima-facie respondents have committed acts of domestic violence against the applicant.

15. Section 3 of the P.W.D.V. Act provides definition of domestic violence. Ill-treating and beating a wife is domestic violence. The demand for money is domestic violence. Driving an applicant out of the house for fulfillment of demand is also domestic violence. Contents of the application prima-facie show that respondents have ill-treated, harassed and beaten her. The Respondents in their say mentioned that, they treated the applicant cordially and the applicant herself has left her matrimonial house. In such a scenario, in my view, a happily married woman would not suddenly leave the company of her husband & choose to reside separately, without a reasonable cause. The applicant has also filed her sworn affidavit in support of her contentions of physical & mental harassment. Thus, in view of the material available on record and contentions of applicant supported by affidavit, prima facie it appears that applicant was subjected to domestic violence by respondents. Therefore, the contents of the application prima-facie shows that respondents have committed acts of domestic violence. The acts described in the application are domestic violence within the meaning of section 3 of P.W.D.V. Act.

16. Now, the question is what would be the quantum of interim maintenance amount ? Further, the applicant submitted that she does not have any income source. The Respondents in their say mentioned that, the applicant is doing a job and has an income source. She is a taxpayer. To support this

contention they filed the PAN Card of the applicant and the photocopy of TDS receipts. The TDS receipts do not exactly show which month's receipt that is.

17. Also respondents have filed following citations;

1. Mamta Jaiswal Vs. Rajesh Jaiswal
(II (2000)DMC 170)
2. Vijaykumar Vs. Harsh Lata Aggrawal
(Hon'ble Delhi High Court date of order
10/09/2008)
3. Damanreet Kaur Vs. Indermeet Juneja
(Hon'ble Delhi High Court Cri. Rev. Petition 344 of
2011)

Perused the citations filed by respondents. The first two cases were filed under Hindu Marriage Act. The facts and circumstances of these citations are different. The present application is filed under P.W.D.V. Act. Hence, with due respect these citations are not applicable to present application.

18. The applicant herself admitted that she was doing a job earlier but now she is jobless and has no income source. She in her assets and liabilities affidavit and in her affidavit in support of present application stated that she has no income source. The object of provisions of P.W.D.V. Act is providing interim maintenance to protect aggrieved person from starvation and destitute. Thus, being husband, respondent No.1 is legally & morally liable to maintain the applicant.

19. As per the guidelines under the judgment of Honourable Supreme Court in **Rajesh Vs. Neha, AIRONLINE 2020 SC 915** the applicant and respondent No.1 have filed their assets and liabilities affidavit on record at Exh.12 and Exh.17 respectively. I have perused the copy of the assets and liabilities affidavit on record. The respondent No.1 in his assets and liabilities

affidavit specifically mentioned that he is an engineer and getting a monthly salary of Rs.29,000/-. It prima-facie shows that respondent No.1 has a salary of Rs.29,000/- per month.

20. Respondent No.1 also mentioned in his affidavit about his liabilities. He contended that his household expenses are Rs.25,000/-. His old-aged parents also depend on his income. Their expenses are Rs.12,000/- per month. Though he has monthly expenses and his parents depend on him. The applicant is his legally wedded wife. Therefore, he has a legal obligation to maintain her and provide her with financial support for her survival.

21. It is pertinent to mention here that while deciding the quantum of amount of maintenance it is necessary to consider the income of the applicant. The applicant has to show that she has no independent source of income for her survival. As stated earlier currently, she is jobless and unemployed. Therefore, she is unable to earn a single rupee. It shows that she is unable to maintain herself. On the contrary respondent No.1 is getting a salary of Rs.29,000/- per month. Therefore, respondent No.1 is able to give the maintenance to the applicant. Applicant has sought interim maintenance of Rs.50,000/- per month, but she failed to give the particulars of her necessary monthly expenses, that too, amounting to Rs.50,000/-. Hence, for want of particulars, it is difficult to gather as to why an applicant is in need of Rs.50,000/- per month.

22. The materials available on record indicate that respondent No.1 has a sound financial position and has an independent source of income. On the other hand, the applicant is currently unemployed and she does not have any source of income. Therefore, Considering the facts and circumstances of the present case and after considering the submissions of both parties the

amount of Rs.3,000/- per month to the applicant as maintenance would suffice the purpose. Hence, I answer the point Nos. 2 and 3 in affirmative.

As to Point No.4

23. In view of the reasons mentioned above and findings arrived, to answer point No.4, the following order is passed.

ORDER

1. Application is partly allowed.
2. Respondent No.1 is directed to pay Rs.3,000/- (Three Thousand Rupees) per month as interim maintenance to the applicant from the date of this application i.e. from 13/06/2024 till the final disposal of proceedings.
3. Copy of this order be supplied to both parties free of cost.
4. Copy of this order be forwarded to the concerned Protection Officer for information.

Date : 27/05/2025
Ghodegaon

Sd/-
(Sneha Sunil Pulujkar)
Judicial Magistrate First Class,
Ghodegaon, Dist. Pune.

CERTIFICATE

I affirm that the contents of this P.D.F. file are same word for word as per original order.

Name of the Court	: Smt. Sneha Sunil Pulujkar, Judicial Magistrate First Class, Pune.
Name of the Steno	: J. S. Kaite, Stenographer Grade - III.
Order date	: 27/05/2025
Order signed by P.O. on	: 27/05/2025
Order uploaded on	: 27/05/2025