



Sarika Suraj Rahatal

Vs

Suraj Prakash Rahatal

ORDER BELOW EXH. 81

This is an application filed by the respondent No.1 under section 25(2) of the Protection of Women from Domestic Violence Act, 2005 ("P.W.D.V. Act") for alteration, modification or revocation in order passed on interim maintenance application.

2. The Ld. Adv. for respondent No.1 submitted that on 13/06/2024 the applicant made an application for interim maintenance under section 23 of P.W.D.V. Act. On 27/05/2025 the said application was partly allowed and the interim maintenance of an amount of Rs.3000/- was granted from the date of application. He further submitted that the applicant has filed a false affidavit stating she was unemployed and has no source of income. The applicant is an engineer having B.Tech. degree from COEP College Pune. The respondent obtained information that she is working in a L and T technology centre, Pawai, Mumbai. She is working in said company and income tax is deducting from her salary. The respondent obtained the proof regarding the same from applicant's PAN No.BMZPB2539M and company's TAN number. The income tax was regularly deducted from the year 2020-2025. It appears that the applicant is having a job as well as a handsome salary. She suppressed this fact from the court.

3. On the contrary the mental health of respondent No. 1 is not good. The respondent Nos. 2 and 3 are dependent on him. The respondent No.1 is not having any other source of income. The financial situation of the applicant's

maternal home is good. The applicant has agricultural land in her maternal home and obtains 5 to 10 lakhs income from that. The brother of applicant is working in Parag Milk/Govardhan Milk, Manchar as manager and having 40 to 45 thousand salary per month. The applicant works in a good company, has a handsome salary and pays income tax. She is able to maintain herself. The respondent has filed this application under section 25(2) of P.W.D.V. Act because there is change in circumstances. Hence he prayed to revoke the order passed on interim maintenance application dated 27/05/2025.

4. The Ld. Adv. for applicant submitted that application is false and frivolous. The respondent didn't mention under which section he filed the application. Hence this application is not maintainable. The interim application of the applicant is decided on merit by recording reasons. The respondent filed this application only to delay the proceedings. The contention of respondent in the application is incorrect. The respondent No.2 always remains present on every date in the court. His mental, physical and financial condition is very good. On the contrary respondents harassed the applicant mentally and physically. The respondent No.1 is not doing the responsibility of husband. The applicant has not suppressed any information from the court. The record of income of respondent No.1 is already revealed in the court. Now the respondent No.1 is working in the Holtee Asia Pvt. Ltd. Pune and has 25 Lakh salary per annum. This fact was suppressed by respondent No.1 from court. The matter is for cross examination of respondent No.1. Instead of recording the cross examination respondent No.1 is delaying matter by filing such non tenable application. Hence, he prayed to reject the application by imposing maximum cost on respondent No.1.

5. Heard Learned advocate for respondents Shri. V. S. Changan. He submitted as per his application. He further submitted that in the order of interim maintenance application the court has mentioned that the TDS receipt

does not show which month's receipt that is. Hence he filed the PAN Card of applicant and TDS receipt of quarter 4 of the year 2024-25 which shows that applicant is currently working. Hence he prayed to revoke the order passed on interim maintenance application. Heard the learned advocate the applicant Shri. N. P. Kale. He argued as per his say.

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

Sr. No.	Points	Findings
1)	Whether the order passed on interim maintenance application deserves to be altered, modified or revoked ?	No.
2)	What order ?	Application is rejected.

REASONS

AS TO POINT NO.1 : -

7. Perused the application and reply. It is an admitted position that the interim maintenance application of the applicant was partly allowed by this Court on 27/05/2025 and interim maintenance of Rs.3,000/- per month was granted from the date of application after considering the pleadings, affidavits and material placed on record.

8. Before considering the merits of the present application, it is necessary to clarify the scope of the expression “change in circumstances” as contemplated under Section 25(2) of the Protection of Women from Domestic Violence Act, 2005. Section 25(2) of the Act empowers the Court to alter, modify or revoke any order passed under the Act only upon proof of a subsequent change in circumstances. The change in circumstances must be material, substantial and arising after the passing of the earlier order. A mere re-appreciation of the same facts, production of documents which were available earlier, or raising contentions which could have been urged at the time of deciding the interim maintenance application does not amount to a change in circumstances within the meaning of Section 25(2). Thus, the jurisdiction under Section 25(2) is not in the nature of an appeal or review. The applicant seeking alteration or revocation must clearly demonstrate that due to events occurring subsequent to the passing of the order, the continuance of the earlier order has become unjust or unnecessary.

9. It is pertinent to note that at the time of hearing and arguing the interim maintenance application under Section 23 of P.W.D.V. Act, the respondent No.1 had specifically contended that the applicant is working and paying income tax. The said contention was taken into consideration by this Court while adjudicating the interim maintenance application. After considering the pleadings, affidavits and rival submissions of both parties, including the contention regarding the applicant’s employment and tax liability, this Court passed the interim maintenance order dated 27/05/2025. Therefore, the said issue already stands considered and adjudicated, and cannot be reopened in the present application under Section 25(2) of the Act in the absence of any subsequent change in circumstances.

10. The question of income, employment and earning capacity of both parties is a matter of evidence and requires adjudication after proper cross-

examination. At this interim stage, the Court cannot conclusively determine the authenticity, continuity or quantum of the alleged income of the applicant. Interim maintenance is granted to prevent destitution and to enable the aggrieved person to maintain herself during the pendency of proceedings.

11. In the present case, this Court, while passing the interim maintenance order dated 27/05/2025, has already considered the material placed on record and exercised its discretion judiciously. The respondent No.1 has failed to demonstrate that after the passing of the said order there has been any such change in circumstances which would justify interference under Section 25(2) of the Act. This Court does not find any compelling or convincing material on record to hold that there is such a change in circumstances which warrants alteration, modification or revocation of the interim maintenance order. Hence **point No.1** answered in **negative**.

AS TO POINT NO.2 :-

12. In view of the reasons mentioned above and findings arrived, to answer point No. 2, the following order is passed.

ORDER

Application is rejected.

Sd/-

Date : 21/02/2026
Ghodegaon

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

C E R T I F I C A T E

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 : 21/02/2026

Order signed by P.O. on : 21/02/2026

Order uploaded on : 21/02/2026