

Order Below Exhibit No.06 In Cr. M.A. No.225/2022**Vrushali Satish Mhatre****V/s****Satish Manohar Mhatre & Others**

1. Present application has been filed by the applicant under section 23 of the Protection of Women from Domestic Violence Act, 2005 (PWDVA) seeking protection, a residence order under section 19, and monetary relief of Rs. 30,000/- per month towards the interim maintenance for each child and Rs. 20,000/- per month towards her interim relief and return of stridhan.
2. Grounds for this application are that the applicant has been subjected to domestic violence and the applicant, being the wife of respondent no.1, is unable to maintain herself. Respondent no.1, being the husband of the applicant, is liable to pay maintenance to the applicant. Further, applicant has been subjected to domestic violence at the hands of the respondents.
3. Respondents vide their say, have accepted the relationship. But have denied all the allegations leveled against them. The applicant has filed this case only to harass the respondents and to extract money. For the above reasons, the applicant is not entitled for any relief.
4. Considering the submissions of both the parties, followings points arises for my determination and I record my findings for the reasons stated below :

Sr. No.	Points for determination	Finding
1	Whether the applicant prima facie shows that she was subjected to domestic violence at the hands of the respondents?	Yes.
2	Whether the applicant is entitled for protection order as prayed?	Yes.
3	Whether the applicant is entitled for interim residence order as rent of alternate prayed?	Yes, Rs. 5,000/- as the accommodation from the date of this order.
4	Whether applicant is entitled for an interim maintenance of Rs. per month, each for 30,000/- per month towards the two children i.e. Saavi interim maintenance for each child and Yatharth from the and Rs. 20,000/- per month for date of this order, till herself ?	Partly Yes, Rs.7,500/- further orders.
5	Whether the applicant is entitled for the return of her stridhan as prayed?	Not at this stage
6	What order ?	As per the final order.

5. Heard the Ld. Advocates for applicant and respondents. Perused the documents. Both parties have placed their written arguments on record.

::REASONS::

Point no.1:-

6. Ld. Advocate for the applicant has argued that the applicant was time and again harassed by the respondents. The respondent no.1 used to force her for physical intimacy even during the applicant's pregnancy.

The respondent no.1 used to deny the paternity of the second child. He would make a character assassination. Respondents used to abuse the applicant in filthy language. The respondent no. 1, despite having sufficient means, did not provide her maintenance. He would frequently take the elder daughter away without her consent and keep the child at his sister's house for 7 to 8 days. Given the harassment at the hands of the respondents, she has been constrained to reside in her natal home. Considering the harassment at the hands of respondents, the applicant is entitled to the reliefs as claimed by her.

7. The Ld. Advocate for the respondents has argued that the allegation leveled by the applicant is false. She did not reside properly with the respondents. Hence, there is no question of desertion by the respondents. The applicant has left the respondent No.1 without any reason. The respondent no.1 has paid the school fees of their children and that the applicant is capable of maintaining herself, and therefore, she is not entitled for maintenance.
8. To pass interim order, prima-facie satisfaction of the Court is essential. The specific instances of violence inflicted upon the applicant prima-facie shows that there was domestic violence upon the applicant by the respondents.
9. It is also not the contention of the respondents that they have been providing the applicant for her daily needs and her children's needs, except for a statement that respondent No.1 has paid the school fees of their children for a term.

10. Non-maintenance of the applicant and their children, being the wife and children of the respondent no.1, is an economic abuse as defined u/s 3 of the PWDVA. Therefore, considering the above discussion, prima-facie it appears that the applicant was subjected to domestic violence at the hands of the respondents. Hence, I answer **point no.1** in **affirmative**.

Point no.2:-

11. Section 18 of the PWDVA provides that protection order may be passed on the prima-facie satisfaction of the court that domestic violence has taken place. Domestic violence at the hands of the respondents has also been prima facie proved as mentioned above.
12. In these circumstances, it is essential to ensure the safety of the applicant by means of a protection order to restrain the respondents from committing any acts of domestic violence upon the applicant. Hence, I answer **point no.2** in **affirmative**.

Point no.3:-

13. The applicant is residing at the mercy of her natal family. The respondent no.1 has not made any arrangement for her accommodation. It must be emphasized here that as per section 17 of the PWDVA, a woman has a right to reside in a shared household. Hence, residence orders ought to be granted.
14. Section 19 of the PWDVA provides for alternate accommodation to the aggrieved woman. Having regards to the strained relationship and domestic violence at the hands of the respondents, it would be

appropriate to direct the respondent no.1 to pay Rs.5,000/- (Rs. Five Thousand Only) per month as the rent of the house to the applicant as an alternate accommodation from the date of this order, till further orders. Hence, I answer **point no.3** in **partly affirmative**.

Point no.4:-

15. Ld. Advocate for applicant has submitted that the applicant does not have sufficient means to suffice for herself and her children. The respondent no.1 has stated false about his income. He earns around Rs. 2,00,000/- per month. He does not have any dependent. Therefore, applicant is entitled for maintenance for herself and her child as claimed in her main application. She is not able to sustain herself from her income. She needs maintenance for her children.
16. Ld. advocate for the respondents has argued that applicant is working and earns sufficiently well. The applicant is capable of maintaining herself. He has paid the school fees of their children. He has taken a loan of Rs. 20,00,000/- for a house and pays an EMI of Rs. 23,000/- per month. He is willing to pay for the education expenses of the children only. He has dependents. Therefore, applicant is not entitled for maintenance.
17. Owing to the existing undisputed marital relationship, there is legal obligation upon the respondent no.1-husband to maintain the applicant-wife and children. He has a responsibility towards his children. Thus, the applicant is entitled for interim maintenance for children.

18. Question that arises here is of quantum. The fact that the respondent no.1 is earning is not disputed. In his arguments, he has stated that he earns Rs.60,000/- per month. He has denied that he earns Rs. 2,00,000/- per month. At the same time, the respondent no.1 submitted that he has taken a loan of Rs. 20,00,000/-; which depicts his capacity to earn. Moreover the applicant no.1 has specifically submitted that she earns Rs. 1,00,000/- per month as IT Engineer and therefore, this amount must be taken into consideration. This amount can be considered to be sufficient at this point in time for her.

19. However, the fact that the respondent no.1 is liable to contribute towards the education, medical and other basic necessities of children cannot be overlooked. Respondent No. 1 has the responsibility of maintaining his children. It is the responsibility of the respondent no.1 to take care of the children.

20. Therefore, given the above discussion, I am of the view that the respondent no.1 is an able-bodied person and is capable of earning. Thus, given the submission about earning, status of the parties on record, the applicant no. 1 is entitled to maintenance of Rs.7,500/- (Rs. Seven Thousand Five Hundred only) per month, each for Saavi and Yatharth from the date of the order till further orders. No order of maintenance for applicant at this stage. Hence, I answer **point no. 4** in **partly affirmative**.

Point no.5:-

21. Applicant has claimed return of stridhan and that would be considered at the time of final trial. Hence, I answer **point no.5** accordingly .

Point no.6:-

22. Considering the above facts, circumstances and in answer to point no.6, I proceed to pass the following order :

:ORDER:

1. The application is partly allowed.
2. Respondents are restrained from committing any acts of domestic violence upon the applicant.
3. Respondent no.1 is directed to pay rent of Rs. 5,000/- (Rupees Five Thousand Only) per month as interim alternate accommodation from the date of this order till further orders.
4. Respondent no.1 is directed to pay interim maintenance of Rs.7,500/- (Rupees Seven Thousand Five Hundred Only) per month, each for Saavi and Yatharth from the date of this order till further orders.
5. Copy of this order be given free of cost to the applicant.

Date : 02.07.2026
Place: Uran

Sd/-
(Ms. G. K. R. Tandon)
Judicial Magistrate First Class,
Uran