

**Sonali Chorage & Ors. Vs.
Niranjan Chorage.**

ORDER BELOW EXHIBIT 6 IN Cri. M. A. NO. 238/2017
(Decided on 19/11/2018)

The applicant No.1 presented this application under Section 6 of Domestic Violence Act, 2005 to obtain maintenance amount till disposal of the application. Perused the application say of the respondent. Heard Ld. Adv of the both parties at considerable length.

02. It is the case of the applicant that she was married to the respondent No.1 on 03/06/2010 as per Hindu rites and ceremonies at Thane. She used to stay with the respondent No.1 and in laws at Vashi, Navi Mumbai. After the marriage first few days went well but after that the respondent No.1 raised doubt over her character and started abusing her. It is the case of the applicant that the respondent Nos. 2 and 3 used to instigate the respondent No.1 to cause harassment to her. The respondent No.1 had affair with the other woman and when the applicant asked him about the same he used to beat her and was causing mental harassment. It is the case of the applicant that the respondent No.1 did not look after her and never brought necessary household things.

03. It is the case of the applicant that the respondent No.1 never treated her as his wife. On 16/04/2017 the respondent No.1 beat the applicant brutally and threatened to kill her. The applicant filed N.C. No.893/2017 against the respondent No.1 at Vashi Police Station. It is the case of the applicant that on 17/05/2017 the

respondent again slapped the applicant which resulted into damage to the applicant's ear. She treated herself at NMMC Hospital Vashi. It is the case of the applicant that she found the respondent No.1 roaming with another woman and she asked him about the same. Consequently, the respondent No.1 beat and abused her. On 04/06/2017 the applicant again filed one more N.C.No.1310/2017 against the respondent No.1.

04. It is the case of the applicant that the respondent No.1 carries out parking business at Mumbai and Delhi and earns Rs.2,00,000/- per month. On the other hand the applicant struggles to sustain herself and applicant Nos. 2 and 3. It is the case of the applicant that the applicant No.2 takes education at St. Merry Multipurpose High school, Vashi. It is the case of the applicant that the respondent No.1 does not look after the applicants. It is the case of the applicant that she does not have any resources to look after herself and her children. Hence, she prayed for granting Rs.25,000/- interim maintenance and for allowing herself to stay in the house of the respondents. She also prayed for protection order against the respondent.

05. In response to the application the respondent No.1 filed his say at Exh.19. He denied all the allegations made against him in the application. He contended inter alia that the applicant has concealed the real circumstances from this court. He contended that the respondent Nos. 2 and 3 do not reside with him at Vashi but they stay at Lonere, Tal-Mangaon, Dist-Raigad. He contended that the applicant No.1 is working as a Nurse at T.B. Hospital, Wadala,

Mumbai and earns more than Rs.50,000/- per month. He contended that the applicant No.1 is competent to take care of herself and other applicants. He contended that the applicant is in permanent service and therefore, does not require any maintenance amount. He contended that he never caused physical and mental violence against her. He contended that a mother of respondent No.1 used to cause disturbance in his relationship with the applicant No.1. He contended that applicant No.1 used to threaten him that she would cause injured to her life and life of his children. He contended that the applicant No.1 is staying with her parents at Vashi. He contended that the applicant No.1 never resided at Mundyanchi Aali, Tal-Tala, Dist-Raigad, but she gave her false address in the present application. Considering all these grounds he prayed for rejection of the application.

06. I have gone through the proceedings of the matter. It is not in dispute that the applicant No.1 and respondent No.1 got married on 03/06/2010 and they have two children out of their wedlock. The applicant No.1 produced on record the copy of N. C. No. 1975/2016. Its contents show that the applicant No.1 and respondent No.1 met on 18/08/2016 but the respondent No.1 abused the applicant No.1. Further, the applicant No.1 produced on record the N. C. R. No. 893/2017. Its contents show that the respondent No.1 abused and threatened the applicant No.1 on 15/04/2017. The applicant No.1 produced on record N.C.R.No. 1310/2017. Its contents shows that when the applicant No.1 was traveling by Auto Rikshaw she found the respondent with another

woman. She asked him about her then he abused and beat her. From the perusal of contents of above N.C.R. filed by the applicant No.1 it appears that the relation between the applicant No.1 and the respondent No.1 was strained for long time. It also appears that there was continuous dispute and altercations going on between both the parties. The contents of the N.C.R. show that the respondent No.1 used to harass the applicant No.1 on many occasions. Prima facie it appears that the respondent No.1 caused domestic violence against the applicant No.1.

07. The applicant No.1 has stated that the respondent No.1 had slapped her which resulted into damage to her ear. In order to buttress this claim the applicant No.1 produced on record her record of treatment received at NMMC Hospital, Vashi. The fact of mental and physical violence carried out by the respondent No.1 is corroborated by the record of N. C. R. filed by the applicant No.1. The applicant No.1 produced on record the legal notice sent to her by the respondent No.1 on 09/06/2018 in which he has sought divorce from her. The notice dated 09/06/2018 is filed after the date of the presentation of this application. Further, the applicant No.1 produced on record the bank account of the respondent No.1 which shows that the respondent No.1 earns money as director of Prime Nine Management Pvt. Ltd. This certificate on record shows the capacity of respondent No.1 to maintain the applicants. The respondent No.1 has claimed that the applicant No.1 is working as a Nurse and earns Rs.40,000/- per month. In order to buttress this claim the respondent No.1 did not produce any document on record.

On the other hand the applicant NO.1 produced on record relevant document regarding financial capacity of respondent No.1 to look after applicants.

08. From the record it also appears that the applicant Nos.2 and 3 take education at St. Merry Multipurpose High School, Vashi and they have to pay their fees to continue with the education. It is moral responsibility of respondent No.1 to look after the expenses of his children. From the record it also appears that the respondent No.1 has neglected to provide necessities to the applicants. It may take time to decide the main application. During the pendency of this application the applicants are required some amount to carry out their daily lives. As a earlier held that the respondent No.1 prima facie involved in carrying out violence against the applicant No.1. It is necessary to direct him to not cause any physical and mental violence to the applicant No.1 during the pendency of the application. Further, the applicants are entitled to stay in the shared household as it is admitted by the respondent No.1 that they were staying together in the shared household.

09. In the light of above facts and circumstances the interest of the applicants are required to be protected. Hence, I pass the following order.

-: ORDER :-

Application is allowed.

The respondent No.1 is directed to pay Rs.2000/- per month to the applicants towards interim maintenance till disposal of the application.

The respondent No.1 is directed to allow the applicants to stay in the shared household described in the application i.e. J.N.3/9/01, Gharat Apartment, Sector 10, Vashi, New Mumbai till disposal of the application.

The respondent No.1 is restrained to make any contacts with the applicants and to not cause any harassment to them.

Mangaon.

Date:- 19/11/2018.

(G.S. Hange)

Civil Judge J.D. Mangaon.