

MHRG130002012024



**Order Below Exh.5 In**  
**Cri. Misc. Appln. No. 11/2024**  
**Jahida Bhure Vs. Javed Bhure**

The applicant has filed the present application for interim maintenance as per section 23 of P. W. D. V. Act.

02. Applicant contended that on 15/01/2015 her marriage was solemnized with non applicant. Till date the marriage of Applicant and non Applicant is in force. The applicant in her application stated that after marriage with non Applicant, she went for cohabitation at Roha. At there she was cohabiting with non-applicant for 2 to 3 months. Thereafter, non-applicant asked to applicant that he intent to start his chicken shop at Mumbai. However, he told to applicant that he has no money and demanded her gold ornaments and assured to applicant that he will gave back to her that ornaments after running of his business. The applicant has given her gold chain, ring and Mangalsutra for mortgage and raising money thereon. Then in the year of 2018 applicant and non applicant went to Mumbai for cohabitation. At the same time the non-applicant kept his first wife their children at Sudkoli in the rented house. The non applicant visited to his first wife frequently by stating false reasons to applicant. When applicant asked to the non applicant about his first wife and their Talaq, non-applicant stated that his first wife demanding Rs.1.5 lacks for giving Talaq. At that time the applicant gave to non-applicant Rs.1.5 lacks for

obtaining Talaq from his first wife. In fact the non-applicant did not give that money to his first wife and went on tour with his first wife. Thereafter, in the month of July-2018, non-applicant and applicant again started residing at Sudkoli. At there non-applicant physically, mentally and economically harassed to the applicant. He abused to the applicant. He did not provide medical aids to her. He asked to applicant that she is his keep. He also beaten to applicant mercilessly. In the year 2020 applicant and non-applicant started residing at Mhasala. At there, non-applicant did not look after to applicant properly. He did not treat to applicant as his wife and did not make a provision of her clothing, medicines and livelihood. On 14/04/2021 when applicant demanded money for purchasing grocery, at that time the non-applicant abused and beaten her. The applicant also filed N.C. Report against non-applicant. Therefore, non-applicant refused to maintain applicant. He did not make provisions of livelihood of applicant.

03. Now the applicant has no income source. She is unable to maintain herself. Per contra, non Applicant is running chicken shop and earning Rs. 70,000/- to Rs. 80,000/- per month. Therefore, non Applicant is able to provide interim maintenance of Rs. 25,000/- per month to applicant.

04. Non applicant has filed his say at Exh. No. 14. Non Applicant admitted his relationship with applicant as wife. But non applicant replied that applicant has filed false application. Non Applicant denied that he abused or beaten to applicant. He

never physically or mentally harassed to Applicant. He never took loan/money from the applicant's sister. Per contra he always helped to applicant's sister at the time of her financial crises. He denied other allegations of applicant. Non applicant stated that he did not committed any acts of domestic violence with applicant. She always taken doubt on the character of non Applicant. Today, the applicant is residing with him and he fulfill all demands of applicant. The non-applicant further stated that his financial condition is very weak. He required to spent Rs.10,500/- towards shop rent and light bill, Rs.6,000/- towards house rent, water charges, Rs. 800/- towards house electricity bill, Rs. 11,676/- towards EMI of vehicle, Rs.15,000/- towards salary of workers. Thus, non Applicant did not have such income to provide such interim maintenance to applicants. Hence, non applicant prayed to reject the application.

05. Read the application, say and documents annexed herewith. Heard, the Ld. advocates of both parties at length. It is not at all disputed that the applicant is wife of the non applicant. It can be seen from the application filed at Exh. No. 1 that the applicant has made several allegations of domestic violence against the non applicant. The applicant in her application mentioned the various instances of domestic violence committed by non-applicant. According to applicant, the non applicant did not give money to applicant for her livelihood, clothing, medicines etc. daily needs. These acts of non applicants, certainly amounts to 'Economic Abuse' of the applicants, which comes within the

definition of 'Domestic Violence' under the provisions of Domestic Violence Act.

06. The non Applicant in his say admitted that he is running a chicken shop but did not mentioned his actual income. The non-applicant in his say stated that he required to spent Rs.10,500/- towards shop rent and light bill, Rs.6,000/- towards house rent, water charges, Rs. 800/- towards house electricity bill, Rs. 11,676/- towards EMI of vehicle, Rs.15,000/- towards salary of workers. If we aggregate the aforesaid amounts, then actual amount of expenditure will be come to Rs.43,976/-. It is admitted facts that every business has much more income than expenditure. Therefore, in present situation the actual income of the shop of non-applicant is defiantly more than Rs.43,976/-. However, non-applicant deliberately suppressed his actual income. In such situation the contentions of applicant that non Applicant is running chicken shop and earring Rs. 70,000/- to Rs. 80,000/-per month need to be taken into consideration.

07. The non Applicant, being husband of the applicant is duty bound to maintain the applicant. However, he did not gave money to the applicant for her grocery, clothing, medicine and other daily needs. The Applicant definitely required some money to spent on her food, clothing, medicines, etc. Now a day the prices of daily needs/essential commodities (Food, clothing, medicines etc.) are highly increased. Considering these facts and circumstances, a normal person would definitely require to spent Rs 5000/- to Rs. 10,000/- per month upon daily needs. Thus,

considering these facts, minimum income of non Applicant, status of the parties, living standard of non applicants and inflation in costs of living, it would be just and proper to direct non applicant to pay interim maintenance of Rs. 7000/- per month to the applicant.

08. The applicants have filed present application on 10.05.2024. Therefore, it would be just and proper to grant interim maintenance to applicant from the date of filing of application i. e. 10.05.2024. Hence, the order.

**ORDER**

- 1) The Non-Applicant is hereby directed to pay interim maintenance of Rs. 7000/- p. m. (Rupees Seven Thousand per month only) to the applicant from the date of application i. e. 10.05.2024, till the final disposal of this matter or till further orders of this Court.
- 2) Copy of order be given to parties free of costs.

Date: 04.11.2024

(A. S. Satote)  
Judicial Magistrate First Class,  
Shriwardhan