



**Order Below Exh.05 in PWDVA No.03/2025**

01) Through this application, applicants are praying for interim monitory relief, interim protection order and other interim orders under section 23 sub-clause 2 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred as 'DV Act' in short).

02) The encapsulated facts of the applicant's case are that, applicant and respondent no.1 are husband and wife. Their marriage was solemnized on 04/12/2024 as per Hindu rites and rituals at Diveagar, Shrivardhan in presence of their respective family members, friends, relatives and acquaintance of both (hereinafter referred as 'the said marriage' for the sake of brevity). The said marriage was an arrange marriage. Respondents no.2 to 4 are the in-laws of applicant.

03) It is the contention of applicant that, after the said marriage, applicant started cohabiting with respondents at her matrimonial house at Shrivardhan. After the said marriage, for few months, the marital life of applicant was peaceful. However, thereafter, respondents subjected applicant to verbal, mental, physical, economical and emotional abuses.

04) It is the further contention of applicant that, since 15/01/2025,

applicant is residing separately. Respondent no.1 is neglecting and avoiding to maintain applicant. Respondent no.1 did not provided any kind of maintenance to applicant. Resultantly, through this application, applicant is praying for following reliefs:

- a) **As to protection order** i.e. to restrain respondents from committing any violence against applicant.
- b) **As to interim maintenance** i.e. to direct respondent no.1 to pay monthly monitory relief of Rs.50,000/- to applicant.
- c) **As to interim compensation** i.e. to direct respondent no.1 to pay interim compensation of Rs.15 Lakhs.
- d) **As to residential order** i.e. to direct respondent no.1 to pay monthly rental allowance or to direct him to arrange an alternate accommodation for applicant.

05) Applicant contented that, respondent no.1 is a owner of Resort namely Tavsalkar Garden Resort at Shrivardhan. Out of the said business, respondent no.1 is earning around Rs.10 Lakhs per month. Respondent no.1 is also owner of many agricultural and residential properties in and around Shrivardhan. Respondent no.1 is financially very stable. Applicant lastly submitted that, apart from applicant, no other person is dependent upon respondent no.1. Respondents no.2 to 4 are self dependents.

06) After service of notice, respondents appeared and filed their say at Exh.11 & 15. Respondents admitted the relation with applicant. Respondents further admitted the separation between applicant and respondents. However, respondents denied each and every allegation pleaded by applicant. According to them, respondents never

subjected applicant to any kind of verbal, mental, economical, physical and emotional abuses as alleged and which comes under the scope of domestic violence as defined in the DV act.

07) Respondents submitted that, after the said marriage, applicant was least interested to cohabit with respondent no.1. Therefore, without any sufficient cause, applicant herself deserted respondent no.1 and deprived respondent no.1 from her company. On 06/03/2025, respondent no.1 issued notice and asked applicant to resume cohabitation. In spite of service of said notice, applicant did not resume her marital life. Thus, applicant is willfully residing separately.

08) Respondents submitted that, applicant is financially sound and capable of maintaining herself. Respondents denied that, respondent no.1 is earning around Rs.10 Lakhs per month out of the said business. Respondents further denied that, they are owning residential and agricultural properties in and around Shrivardhan as alleged by applicant. As applicant is voluntarily residing separately, in such circumstance, applicant is not entitled to get any kind of relief under the said act. On the above reasons, respondents submitted to reject the application.

09) In support her claim applicant has filed following documents :-

- a) Marriage Card (Exh.4/1)
- b) Complaint to Dighisagari Police Station by Applicant (Exh.4/2)
- c) Notice dated 06/03/2025, issued by respondent no.1 to applicant. (Exh.4/3)

- d) Notice reply by applicant dated 05/04/2025 (Exh.4/4)
- e) Adhar Card and Ration Card of applicant (Exh.4/5 & 4/6)
- f) Photographs of Resort of respondents (Exh.16/1)
- g) Assets and liabilities affidavit of applicant (Exh.20)

10) In support of thier claim, respondents have filed following documents.

- a) Notice dated 06/03/2025, issued by respondent no.1 to applicant.
- b) Assets and liabilities affidavit of respondent no.1 (Exh.19)

11) Heard learned Advocate Shri. Tambutkar for applicant and learned Advocate Bhavna Khichi for respondents. Advocate for applicant argued that, during the cohabitation, applicant has been subjected to violence by respondents. Since 15/01/2025, respondent no.1 neglected to maintain the applicant. Respondent no.1 did not made any arrangement for her livelihood. This prima facie shows that, respondents are causing economic and mental abuses to applicant. Respondent no.1 is financially sound and he is enjoying lavish lifestyle. Thus, applicant is also entitled for the same standard of living. He lastly argued that, it will take come time to reside the case on merit. In such circumstances, applicant may be granted interim relief as prayed for.

12) Per contra advocate for respondents argued that, applicant is not interested to cohabit with respondent no.1. Applicant is herself residing separately without any cause. Applicant is depriving

respondent no.1 a peaceful marital life. She lastly argued that, respondent no.1 is ready and willing to cohabit with applicant. However, applicant is avoiding the same. In such circumstances applicant is not entitled for any relief. On the above reasons, she prayed to reject the application.

13) Having heard rival counsel for the applicant and the respondent and on perusal of record following points arose for my determination and I record my findings against each of them for the reasons enumerated below.

Sr. No.	POINTS	FINDINGS
1	Does the applicant prima facie established that, she was in domestic relationship with respondents and respondents have caused domestic violence or they are likely to be subjected her to the domestic violence?	Yes
2	Whether applicant is entitled for interim maintenance as claimed or any other amount?	As per final order

### REASONS

14) To start with the uncontroverted facts. Considering the material before the court, following are the undisputed proposition.

- a. Marriage between applicant no.1 and respondent no.1.
- b. Separation between applicant and respondents.
- c. Issuance of notice by respondent no.1 and its reply.

#### As to point Nos.1 & 2-

15) According to applicant, during the cohabitation respondents subjected applicant to verbal, mental, physical, economic and emotional abuses. Said allegations are stated on oath.

16) According to respondents, applicant herself deserted respondent no.1. Applicant is not interested to cohabit with respondent no.1. Said allegations are also stated on oath.

17) So far as concerned to the allegations made therein application and counter allegations asserted in reply, both the rival parties have made vast and serious allegations against each other. In order to ascertain those allegations, trial is entailed and nothing can be inferred without evidence. Applicant being wife does not mean that, her every word is the gospel truth and the respondent no.1 being husband stating blatant lie. It is not universal truth that, there is cruelty behind every broken marriage. Marriages do fail for various other reasons which usually are not put up before the court. Hence, to ascertain the truth, trial is required.

18) As stated above, respondent no.1 has not disputed the fact that, applicant is residing separately. It is the contention of applicant that, respondent no.1 has not made any arrangement for their livelihood since the separation. As per the applicant, she is residing separately. Admittedly, applicant has not been provided with maintenance. In this context, I am to state that, Sec. 23 of the DV Act is enacted with intent to provide safe guards to aggrieved women. The ultimate object of the provision is that, during time required for trial no one should be starved. Indeed, in view of rival pleadings one thing remained undisputed that, the applicant is left without maintenance which is sole responsibility of respondent no.1 being husband.

19) What is left now is to determine the quantum of interim

maintenance. In this context, the applicant has prayed for above interim reliefs on the above stated income of respondent no.1. To corroborate the earnings of respondent no.1, applicant has filed photographs of the said resort.

20) Respondents neither in their Say nor in the assets and liabilities affidavit of respondent no.1, disputed that, the said resort is not belonging to them. However, respondents disputed the income arising out of said resort as alleged by applicant. It is worth to note that, respondent no.1 has neither pleaded in his Say or affidavit nor filed any documents to show his actual income from the said resort or other sources. The income being in the special knowledge of respondent no.1, the respondent no.1 ought to have disclosed the same. However, respondent no.1 concealed the same. Inference can be drawn that, respondent no.1 conceal the same in order to avoid maintenance order against him. It is worth to note that, in today's era, even a labor earns more than Rs.500/- per day out of labor work. In such circumstance, it can be inferred that, respondent no.1 who is the owner of aforesaid resort is earning more than Rs.50,000/- per month from the said resort and other sources. This is more so in the light fact that, respondent no.1 has paid Rs.75,000/- as present litigation expenses. Respondent no.1 is maintaining himself. Thus, in such circumstances, he is under legal obligation to support and maintain his wife.

21) Therefore, where respondent no.1 did not pleaded or disclosed his actual income, income of Rs.50,000/- per month needs to be considered while determining interim maintenance. Indeed,

considering the income of the respondent no.1, I am to state that, the applicant cannot be allowed to be left at stack and starving till the conclusion of trial. So also considering the fact that, in today's era where the inflation is sky high, it will be just, legal and proper to grant interim maintenance of Rs.7,000/- (Rs. Seven Thousand Only) per month to applicant. As the applicant is not having any shelter of her own, it will be also proper to grant interim rental allowance Rs. 3,000/- (Rs. Three Thousand Only) as a monthly rent to applicant.

22) As regards to interim compensation and interim protection order, without evidence, I am not inclined to award the same at this interim stage. Consequently, I reckon to pass following order.

**ORDER**

1	Respondent no.1 shall pay interim monthly maintenance of Rs. 7,000/- (Rs. Seven Thousand Only) to applicant since the date of filing application i.e. 09/05/2025.
2.	Respondent no.1 shall further pay an amount of Rs.3,000/- (Rs. Three Thousand Only) as interim rental allowance per month to applicant since the date of filing application i.e. 09/05/2025.
3.	The applicants and respondents to lead their evidence as expeditious as possible without unwarranted adjournments.
4.	Cost in cause.
5.	Copy of order be given to both the parties free of cost and one copy be sent to concerned police station.

Shrivardhan  
Date: 01/01/2026

**(S.K.Shaikh)**  
Judicial Magistrate First Class,  
Shrivardhan.