



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

01) Through this application, applicant is praying for interim monitory relief and interim residence order 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 01/02/2024 as per Hindu rites and rituals at Pimplas, Bhiwandi, Thane 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 Pimplas, Bhiwandi. 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 24/05/2024, 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 interim maintenance** i.e. to direct respondent no.1 to pay monthly monitory relief of Rs.25,000/- to applicant.
- b) **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 working as Senior Officer with Sahyadri Nagari Sahakari Patsanshtha, Bhivandi. Respondent no.1 is earning around Rs.1.5 Lakhs per month. Respondent no.1 is also working as real estate agent. Out of the said agency work, respondent no.1 is earning about Rs.50,000/- per month. Respondent no.1 is also engaged in gold Jewelries business. Out of the said work, respondent no.1 is earning about Rs.1 Lakh per month. Respondent no.1 is totally earning about Rs.33 Lakhs per annum. 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.20. 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. Thus, applicant is willfully residing separately.

08) Respondents submitted that, applicant is highly educated. Applicant has completed LLB and she is practicing as advocate. Applicant is also a skilled singer and dancer. Applicant is performing singing and dancing in various functions. Out of the said profession, applicant is earning around Rs.1 Lakh per month. Applicant is capable of maintaining herself. Respondent no.1 denied that, respondent no.1 is earning around Rs.1.5 Lakhs per month out of the said employment. Respondent no.1 further denied that, he is engaged into real estate and jewelry business as alleged. 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) Marriage photo (Exh.4/2)
- c) Complaint to SP Raigad by Applicant (Exh.4/3)
- d) Adhar Card of Applicant (Exh.4/4 and Exh.23/1)
- e) Notice issued by applicant to respondent no.1 (Exh.4/5)
- f) Marriage Certificate (Exh.4/6)

- g) Pan Card of Applicant (Exh.23/2)
- h) Saving Account of Applicant (Exh.23/3)
- i) Photo of ID of Respondent no.1 (Exh.23/4)
- j) Photo of gold (Exh.23/5)
- k) You Tube comment (Exh.23/6)
- l) Medical Documents of Applicants (Exh.23/7 to Exh.23/26)
- m) Assets and liabilities affidavit of Applicant (Exh.24)

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

- a) Salary Certificates of Respondent no.1 (Exh.27/1)
- b) Photo of office of Applicant (Exh.27/2)
- c) Photo of office of Functions of Applicant (Exh.27/3)
- d) Account Statement of Respondent no.1 (Exh.29/1)
- e) Certificate of Police with respect to residence of Respondent no.1 (Exh.29/2)
- f) Assets and liabilities affidavit of Respondent no.1 (Exh.25)

11) Heard learned advocates for both parties. Advocate for applicant argued that, during the cohabitation, applicant has been subjected to violence by respondents. Since 24/05/2024, 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. 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. Applicant is highly educated and a skilled woman. Applicant is capable to maintain herself. In such circumstances applicant is not entitled for any relief. On the above reasons, advocate for respondents 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 and respondent no.1.
- b. Separation between applicant and respondent no.1.

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 her 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, applicant has sought reliefs based on the alleged income of respondent no.1. To substantiate these claims, applicant produced a photograph of the respondent no.1 employment ID card. Upon prima facie evaluation, the document indicates that, respondent no.1 is employed in the capacity of a 'Senior Officer' with Sahyadri Nagari Sahakari Patsanshtha, Bhivandi'. While the applicant also submitted a photograph of gold (Exh. 23/5) to assert that, respondent no.1 is engaged in a jewelry business, the court finds this evidence insufficient to draw such an inference, as the image merely depicts gold item without a nexus to a business entity. Furthermore, no documentary evidence was produced to support the allegation that, the respondent acts as a real estate agent.

20) Respondent no.1 has admitted to his employment as a Senior Officer and filed his salary certificates for the period of January to March 2026 (Exh. 27/1). Although the respondent no.1 contended that, his monthly earning is approximately Rs. 17,290/-, a perusal of the submitted certificates reveals a gross monthly income of approximately Rs. 58,840/- derived from said employment.

21) Respondent no.1 contended that, applicant is a practicing advocate as well as a skilled singer and dancer. While the Applicant admits to these professional qualifications, applicant submitted that, her monthly earnings are limited to Rs. 2,000/-. This Court finds it inherently improbable that, a qualified legal professional with additional vocational skills would earn a pittance of Rs. 2,000/- per month in the current economic climate, where even unskilled labor earns a daily wage of approximately Rs.500/-. In the absence of transparent financial disclosure, an adverse inference is drawn that, applicant has suppressed her actual income.

22) Notwithstanding the applicant's professional capacity, respondent no.1 is under a statutory and legal obligation to maintain his spouse at a standard commensurate with his own. Taking into account the respondent no.1 verified monthly income of Rs. 58,840/-, balanced against the professional skills of the applicant, the Court deems it equitable and just to grant interim maintenance in the sum of Rs. 7,000/- per month. Furthermore, as 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. 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. 17/06/2025. |
| 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. 17/06/2025. |

| | |
|----|--|
| 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: 21/04/2026

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