

MHRT110003142022



Received on : 14.07.2022

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Decided on : 08.07.2026

Duration : 03 11 25  
(Y) (M) (D)

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST  
CLASS, GUHAGAR.**

(Presided Over by Shri. P. V. Kapadia)  
(Delivered on this 08<sup>th</sup> day of July, 2026)

**PWDVA No.15/2022****Exhibit No.45**

|                                        |   |                  |
|----------------------------------------|---|------------------|
| <b>Sou.Shravani Abhay Ghadshi,</b>     | } |                  |
| <b>Alias Sonali Sunil Mhaskar,</b>     | } |                  |
| Age – 26 Yrs., Occ. - Nil,             | } |                  |
| R/o. C/o. Shri.Sunil Gangaram Mhaskar, | } | <b>Applicant</b> |
| At Post Sakharitrishul - Mhaskarwadi,  | } |                  |
| Tal.Guhagar, Dist.Ratnagiri.           | } |                  |

----- V/s. -----

|                                       |   |                  |
|---------------------------------------|---|------------------|
| <b>(1) Shri.Abhay Govind Ghadshi,</b> | } | <b>Opponents</b> |
| Age – 32 Yrs., Occ. - Service,        | } |                  |
| R/o. Kalwa East, Aantkoneshwar Nagar, |   |                  |
| Municipality Hospital, Adarshnagar,   |   |                  |
| Dist.Thane.                           |   |                  |

|                                      |   |  |
|--------------------------------------|---|--|
| <b>(2) Smt.Anita Govind Ghadshi,</b> | } |  |
| Age – 65 Yrs., Occ. - Housewife,     | } |  |
| R/o. Pimpalwadi - Veldur,            | } |  |
| Tal.Guhagar, Dist.Ratnagiri.         | } |  |

|                                           |  |  |
|-------------------------------------------|--|--|
| <b>(3) Sou.Sonakshi Shailesh Ghadshi,</b> |  |  |
| Age – 32 Yrs., Occ. - Housewife,          |  |  |

R/o. Kalwa East, Aantkoneshwar Nagar,  
Municipality Hospital, Adarshnagar,  
Dist.Thane.

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**Application under Section 12 of the Protection of Women from  
Domestic Violence Act, 2005.**

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**Advocates -**

Learned advocate Shri.S.A.Salavi for the applicant.  
Learned advocate Shri.M.M.Pawaskar for the opponents'.

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**J U D G M E N T**  
***(Delivered on 08.07.2026)***

**Case of the applicant -**

1. The applicant married with opponent no.1 on 21.02.2021. However, just after few days/months after the marriage, the opponents' started harassing her on one or the other count. Opponents' tortured her on various counts/grounds, including that of day-to-day routine and small things. They also threatened her that they will draw her out of the matrimonial home. They used to taunt her by and time for no reason. They ill-treated her many times.

2. The opponents' have committed various acts and did various things with her, as mentioned/stated by her in para nos.4 to 22 of the application. Due to the said acts/activities at the hands of the opponents', she is made to suffer a lot. Hence, the opponents' are liable to compensate her.

3. Opponent No.1 does service at Godrej Company at Bhivandi in Mumbai and earns a salary of more than Rs.20,000/-

per month. In spite of the same; the opponents' have not made any provision for her maintenance and residence. She has no source of income.

4. The cause of action arose within the jurisdiction of this Court. Even the applicant resides within the jurisdiction of this Court. Hence, she prayed that her prayers in para no.27 (sub-paras 1 to 8) of the application may kindly be allowed.

**Case of the opponents -**

5. The opponents have filed say to the main application at **Exh.24**. They have urged in rebuttal similar contentions as raised by the applicant. They say that the applicant has committed certain unacceptable acts as stated in para no.25 of the say. They vehemently resisted the allegations made against them. They submitted that the applicant is an adamant person. She has left the company of the opponent(s) on her own. The contents of the application are false and wrong. They are self-serving. Hence, they prayed that the application may kindly be rejected.

6. Heard learned advocate Shri.S.A.Salavi/Shri.Vikhare for the applicant. The opponents' and their learned advocate did not adduce any evidence, in spite of sufficient opportunities. Hence, the application is taken up for decision now. Perused the record. Following points arise for my determination to which I record my findings along with reasons for the same as under -

| No. | Points                                                                | Findings |
|-----|-----------------------------------------------------------------------|----------|
| 1)  | Does the applicant prove that the, opponents' have committed domestic | Yes      |

|    |                                                                                                           |                            |
|----|-----------------------------------------------------------------------------------------------------------|----------------------------|
|    | violence to the applicant as defined in Sec.3 of the Act and do the alleged acts come within its purview? |                            |
| 2) | Is the applicant entitled for the reliefs claimed?                                                        | <b>Yes</b>                 |
| 3) | What order?                                                                                               | <b>As per final order.</b> |

***-: REASONS :-***

7. In order to prove her case, the applicant has examined herself (AW1) at **Exh.35** and her mother (AW2) at **Exh.38**. The opponents' did not cross-examine the applicant, in spite of ample opportunities. Therefore, the matter proceeded further to this stage *vide* order against the opponents' dated 21.05.2026.

***Point No.1 -***

8. The applicant has in her evidence affidavit reiterated all the assertions contained in the main application. According to the learned advocate for the applicant, the opponents' have unnecessarily driven the applicant out of the matrimonial home on the count of absolutely trivial and unnecessary things. The financial condition of the applicant and her parents is not good. There was/is no fault on the part of the applicant. Her evidence is corroborated by her mother i.e. (AW2).

9. The learned advocate Shri.Vikhare representing the applicant submitted that, a very serious crime was/is committed by opponent no.1 in July-2022, FIR of which is filed on record.

The said case is pending before this Court and it is listed today itself. Perusal of the said FIR and its contents will clearly show that, opponent no.1 has committed physical, verbal and economical abuse on the applicant. The opponents' cultivate crops like rice and earn healthy income from the same. Opponent no.1 has himself admitted in his say at Exh.24 that, he was earning Rs.10,000/- per month in the year 2021. This means that, due to passage of time i.e. almost now 5 years till date, his income/earning(s) would have increased definitely/certainly. Further, no one else is dependent on opponent no.1. The application for restitution of conjugal rights filed by him has been/come to be rejected. Therefore, he submitted that, considering the adamant conduct of the opponents, especially opponent no.1, which includes just remaining present before the Court and doing nothing, the prayers made by the applicant may kindly be allowed. He has relied upon the following citation to give support to the situation on record-Smt.Heera Devi vs. Shri.Bhagwan Dass and Ors., CC No.189/1, decided on 31.08.2015. Per contra, the learned advocate for the opponents submitted that, as the application is filed merely to harass the opponents, the same may kindly be rejected.

10. In the light of the said rival submissions, perusal of the record shows that, the applicant and her mother has not been cross-examined by the opponents'. Further, in absence of any evidence in rebuttal from their side makes the case of the applicant more probable. Further, had it been so that the opponents' were very much aggrieved, they would have definitely

cared to come forward and put forth the necessary evidence. However, they have not done so for the reasons that are best known to them. Therefore, their absence, right from the stage of not leading any evidence till the aspect of non-compliance of common order passed against them below **Exh.nos.39 and 41**, dated 20.04.2026, leads to an inference, that too, an adverse against them.

11. As of now, there is nothing on record to disbelieve the case put forth by the applicant. The opponents' seem to have taken the case very lightly and it appears that they have deliberately kept their hands away from it.

12. Though there is/are only few document(s) on record regarding income of the opponents', still, the statement on oath of the applicant can be said to be sufficient in the given set of facts and circumstances. This is also because the opponents' did not bother and/or care to appear before the Court, put forth their evidence and/or conduct the cross-examination. Hence, when a party itself is so laid-back regarding its valuable right(s), it can be inferred that it is trying to escape from its liability.

13. As opponent nos.2 and 3 are not responsible as such for maintaining the applicant, no order as regards maintenance relief is passed against them.

14. The record shows that, the applicant has filed the affidavit of her assets and liabilities at Exh.26. However, opponent no.1 did not even file his said affidavit, in the span of almost 4 years. Even this aspect shows that his presence is mere physical in

the case, but unfruitful. In other words, till date, nothing is done from their side, in spite of attending the dates, since long. It seems/appears that, deliberate disobedience mode is adopted by the opponents' over here. Such an approach on the part of a litigant cannot be accepted and it is not even justifiable. The record shows that, even the order dated 29.02.2024 of interim maintenance passed against opponent no.1 is not followed/obeyed/complied in its entirety, in spite of ample opportunities, by the said opponent till date. This shows that, the opponents' are not diligent enough and are persons showing no respect/disrespect to/for the process of the court, which attitude cannot be considered leniently. Even from this, the behavior/look-out of the opponents, especially opponent no.1 i.e. of paying no heed to the process of law, can be gathered. He just remains present in the Court, as he is even today, however, remaining reluctant in obeying the orders passed by this Court, despite many opportunities being given/afforded to him.

15. Thus, considering the entire record and the overall situation, I find that the acts of the opponents' as alleged by the applicant, fall within the ambit of Sec.3 of the Act. Hence, I answer **point no.1 in the affirmative.**

**Point No.2 -**

16. As discussed above, in view of affirmative finding to the above point, it can be concluded that the applicant is entitled for the reliefs claimed. However, in absence of concrete proof(s) of income and other related aspects, allowing all of them, that too, as claimed would not be proper. It will have to be analyzed.

Therefore, I find that, considering today's basic necessities, an amount of Rs.5,000/- for the applicant would be reasonable.

17. As regards the other prayers of the applicant, considering the overall situation, necessary order(s) is/are passed in the operative part. The said orders are passed bearing in mind also the fact that she is made to approach this Court for seeking what she is claiming. Further, the quantum of amount is arrived at after taking into consideration (along with above-stated and other practical aspects) the time i.e. consumed for this case to reach this stage because of regular, intentional and long unproductive follow-up/inaction of the opponents'. Consequently, I answer **point no.2 in the affirmative.**

**Point No.3 -**

18. In view of above discussion, keeping in mind the increase in daily living expenses and the necessary provisions in Secs.18 to 22 of the Act, when a Court is satisfied (which satisfaction is already arrived at as per above-stated aspects), I proceed to pass the following order -

**ORDER**

1. The application is allowed.
2. Opponent nos.1 to 3 are hereby prohibited from doing any of the acts as specified in Sec.18(a) to (g) of the Act against the applicant and the persons specified therein.
3. Opponent no.1 is ordered to secure same level of alternate accommodation within fifteen days (15 days)

from the date of this order, for the applicant as was enjoyed by her/them in the shared household/to pay the necessary amount of deposit and monthly rent for the same without fail.

4. Opponent no.1 is ordered to pay an amount of Rs.5,000/- p.m. to the applicant towards her maintenance from the date of filing of this application till its realization.
5. Opponent no.1 is ordered to pay an amount of Rs.1,50,000/- to the applicant within one month of the date of this order, in view of Sec.22 of the Act and the aspects stated therein.
6. Opponent nos.1 to 3 are ordered to prevent/refrain themselves from interfering with the daily-routine of the applicant.
7. Opponent nos.1 to 3 are ordered to execute personal bonds each, together with surety(ies) thereby undertaking not to commit domestic violence henceforth against the applicant.
8. A copy of this order be sent to the officer-in-charge of the nearest police station of this Court as well as to the officer-in-charge of the nearest police station where the opponents' reside at present.
9. In view of Sec. 19(5) of the Act, the officer-in-charge of both the above-stated police stations shall give the necessary protection to the applicant and to assist her and/or the person applying on her behalf for implementation of this order.

10. Opponent nos.1 to 3 are ordered to pay an amount of Rs.15,000/- towards costs of the present proceeding, within one month from the date of this order.
11. A copy of this order be given free of costs to the parties and to the service provider (if any) situated within the local limits of jurisdiction of this Court.

(Dictated and pronounced in open court).

Place - Guhagar  
Date - 08.07.2026

( **Pratik V. Kapadia** )  
J.M.F.C, Guhagar

**Certificate**

I affirm that the contents of this PDF file Judgment/order are same, word to word, as per the original Judgment/order.

|                             |                                                           |
|-----------------------------|-----------------------------------------------------------|
| Name of Stenographer        | <b>Shri Dheeraj R. Chavan,<br/>Stenographer Grade III</b> |
| Name of Court               | The Court of Civil Judge,<br>(J.D.) and J.M.F.C, Guhagar  |
| Date of publish             | 08.07.2026                                                |
| Order Signed by the P.O. on | 08.07.2026                                                |
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