

MHRT130001992023 	Received on	:	21.08.2023
	Registered on	:	21.08.2023
	Decided on	:	03.08.2026
	Duration	:	02Ys 11Ms 13Ds

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, CHIPLUN

(Presided by D.B.Mhalatkar)

PWDVA Appeal No. 04/2023

(Exhibit Number 16)

1.	Sau. Saher Sajid Kaskar Age : 36 years, Occu: Household	
2.	Mohammad Adip Sajid Kaskar Age : 12 years,	
3.	Hasnain Sajid Kaskar Age : 5 years, (Appellant No.1 is the Natural Guardian Mother of Appellant No.2 & 3) All R/o. Govalkoat Road, Near Arch, Chiplun, Taluka Chiplun, District Ratnagiri	Appellants
	Versus	
	Shri. Sajid Mahamud Kaskar Age : 45 years, Occu: Service R/o. Bahaddur Sheikh, Behind BSNL Office, Chiplun, Taluka Chiplun, District Ratnagiri	Respondent

Appearance :-

For Appellants	Advocate Shri. S. S. Butala
For Respondent	Advocate Shri. F. G. Pathan

CRIMINAL APPEAL UNDER SECTION 29 OF THE PWDV ACT

(Arising out of order dated 31.03.2023 passed Below Exh.6 by
J.M.F.C., Chiplun in PWDV Application No.35/2022)

AND

MHRT130002232023 	Received on	:	29.08.2023
	Registered on	:	29.08.2023
	Decided on	:	03.08.2026
	Duration	:	02Ys 11Ms 05Ds

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, CHIPLUN

(Presided by D.B.Mhalatkar)

PWDVA Appeal No. 05/2023

(Exhibit Number 35)

	Shri. Sajid Mehmood Kaskar Age : 46 years, Occu: Service R/o. Paag, Kaskar Aali, Chiplun, Taluka Chiplun, District Ratnagiri	Appellant
	Versus	
1.	Saher Sajid Kaskar Age : 38 years, Occu: Housewife	Respondents
2.	Muhammed Adeeb Sajid Kaskar	

	Age : 14 years	
3.	Hasnain Sajid Kaskar Age : 6 years Respondent No.1 herself and No.2 and 3 minors Mother R/o. Gowalkot, Chiplun, Taluka Chiplun, District Ratnagiri	
4.	Khalid Mehmood Kaskar Age : 43 years, Occu: Service	
5.	Nahida Khalid Kaskar Age : 38 years, Occu: Housewife	
6.	Mohsin Hisamuddin Tisekar Age : 59 years, Occu: Service	Respondents
7.	Shehnaz Mohsin Tisekar Age : 51 years, Occu: Service	
8.	Altamash Mohsin Tisekar Age : 29 years, Occu: Education	
9.	Shabana Samir Dalvi Age : 48 years, Occu: Housewife Respondent No.4 to 8 R/o. Paag, Chiplun, Taluka Chiplun, District Ratnagiri	
10.	The State of Maharashtra	

Appearance :-

For Appellant	Advocate Shri. F. G. Pathan
For Respondents No.1 to 3	Advocate Shri. S. S. Butala

For Respodent No.4 to 9	Pro forma Parties
For Respondent No.10	APP

CRIMINAL APPEAL UNDER SECTION 29 OF THE PWDV ACT

**(Arising out of order dated 31.03.2023 passed Below Exh.6 by
J.M.F.C., Chiplun in PWDV Application No.35/2022)**

COMMON JUDGMENT

(Pronounced and Delivered on 03rd day of August 2026)

The appellants/original applicants in PWDVA Appeal No.4/2023 and the appellant/original respondent No.1 in PWDVA Appeal No.5/2023 filed these appeals against the impugned order passed below the application for maintenance at Exh.6 dated 31.07.2023 by the learned JMFC Chiplun in PWDVA Application No.35/2022, wherein the learned trial court partly allowed the application regarding monetary relief and directed the original respondent No.1 to pay Rs.20,000/- each to the original applicants No.1 to 3 as interim monetary relief from the date of filing the main application, and also to pay Rs.10,000/- per month as rent for alternate accommodation from the date of the order dated 31.07.2023.

(The parties and the documents before the trial Court are referred to by the same status as in the trial Court to avoid confusion.)

2. As both appeals arose from the same order, I decide both appeal together.

The Factual Matrix of an appeal is as follows:-

3. The original applicant No.1 and respondent No.1 are husband and wife, married on 08.06.2008. Applicant No.2 and applicant No.3 are children from this marriage. Applicant No.1 studied up to 12th standard and was brought up by her maternal grandmother following her mother's death in 2002. Respondent No.1 works as a Bank Officer at Nation Bank of Kuwait. Respondent No.2 is the brother of respondent No.1, and respondent No.3 is the wife of respondent No.2. Respondent No.5 and respondent No.7 are sisters of respondent No.1. Respondent No.4 is the husband of respondent No.5, and respondent No.6 is the son of respondent No.5.

4. It was represented by respondent No.1 that he has to maintain his brothers and family, and he will purchase properties in the names of his brothers. He also stated that applicant No.1 should reside together with the family. On 21.06.2008, respondent No.1 went to work in Kuwait. Applicant No.1 was living with her parent-in-laws and other family members. Although there were servants in the house, her parent-in-laws insisted that applicant No.1 should do household work, clean the house, and cook for the family. Though it was exhausting for applicant No.1, she continued to work for the family.

5. On 18.08.2008, applicant No.1 went to Kuwait to reside with respondent No.1 on a visiting Visa. She resided there for four months. She found that she was pregnant and hence, returned to Chiplun on 18.12.2008.

6. In the year 2019, a new bungalow was to be constructed, and therefore, the applicant and other family members came to reside in the bungalow of Mohasin Tisekar. During COVID, respondent No.1 was in Kuwait. In that same year, 2020, both parent-in-law of applicant No.1 died. Respondent No.6 used to abuse applicant No.1 with filthy language and also used to assault applicants No.2 and 3. When respondent No.4 visits home, he also abuses applicants No.1 to 3 and assaults applicants No.2 and 3. On 10.12.2020, respondent No.6 sent obscene messages to his friend via Whatsapp, defaming applicant No.1. When applicant No.1 asked him about this, he came for a meeting with her.

7. The respondent No.1 came to India on 28.04.2022. Thereafter, he started harassing the applicant No.1 by telling her to vacate the house and give him a bag of gold ornaments. He did not heed any requests from applicant No.1. He took a bag of documents belonging to applicant No.1. Applicant No.1 tried to cohabit with him, but he refused to do so. Therefore, the applicant No.1 filed a complaint at the police station. At that time, respondent No.1 told the police that he wanted to perform a

second marriage and suspected the character of applicant No.1. On 26.05.2022, respondent No.1 broke the lock of her bedroom, and she filed a complaint on 27.05.2022 regarding this. To evict applicant No.1, although the house was owned by her husband through the record of Mohasin Tisekar, respondent No.1, taking advantage of this, issued a notice to vacate the house. Respondent No.1 has not paid any amount to applicant No.1. He is not cohabiting with her, nor is he paying for her maintenance. Applicant No.1 is willing and ready to live with respondent No.1 and to cohabit with him. However, respondent No.1 intends to marry another woman, which has led to harassment and domestic violence against her.

8. The applicant No.1 claimed that at the time of marriage, respondent No.1 had a salary of Rs.2.5 lakh per month, and now he earns Rs.5 lakh per month. He purchased two vehicles in his brother's name. He constructed a house at a cost of Rs.2 crore. He bought various properties. He kept fixed deposit amounts in the names of his parents, brother, and sister. The standard of living of respondent No.1 is very high. Applicants No.2 and 3 are studying in SPM English Medium School and require Rs.1.5 lakh per year for their education. Therefore, the applicant requests Rs.2.5 lakh per month in maintenance. Hence, she prays for the grant of maintenance amounting to Rs.2.5 lakh per month.

9. The respondent No.1 filed a reply at Exh.17 and denied all allegations. He denied that he has a salary of Rs.5 lakh per month. He also denied all allegations of domestic violence.

10. He claimed that applicant No.1 and he married on 08.06.2008. He was working in Kuwait and visited 3 to 4 times a year. He used to bear all expenses of applicant No.1. He is covering expenses for the education, medicine, and maintenance of applicant No.2 & 3. He is fulfilling his responsibilities as a father.

11. As construction of respondent No.1's house was ongoing, he asked the applicants to stay in respondent No.5's house to prevent inconvenience. However, respondent No.1's applicant No.1 began quarreling with respondent No.1 and went against his wishes. She ignored all suggestions and requests from respondent No.1. He claimed that applicant No.1 had unlawfully taken possession of respondent No.5's house. He is willing to pay the rent and deposit. He is ready to pay Rs.10,000 per month to the applicant and cover the expenses of applicant No.2 and No.3. Therefore, he requested the rejection of the application.

12. The learned Magistrate considered all evidence on record and directed respondent No.1 to pay Rs.20,000/- to each of the applicants as interim monetary relief from the date of filing the main application. Additionally, the Magistrate ordered respondent

No.1 to pay a rent of Rs.10,000/- per month starting from the date of the order.

13. Being aggrieved by the order, both applicants and respondent No.1 filed these appeals before this Court.

Contentions of respondent No.1 in PWDVA Appeal No.05/2023:

14. It is claimed that the order passed by the learned Magistrate is not legal, proper, or valid. The learned Magistrate did not consider that respondent No.1 transferred Rs.5 lakh as alternate accommodation, and the applicants filed a pursis acknowledging receipt of the amount. The Magistrate granted an excessive amount of maintenance. Respondent No.1 already bears expenses for school fees and paid Rs.5,000 to applicants No.2 and 3 without any order. The Magistrate was wrong in holding that respondent No.1 is serving abroad and has a very high standard of living. In fact, respondent No.1 has various expenses such as rent, food, and other costs at his workplace abroad. He has also taken loans that he needs to repay. There is no act of domestic violence by respondent No.1. The applicants are allowed to stay in respondent No.5's house. Respondent No.1 is willing to pay maintenance to the applicants, but it should be reasonable. The Magistrate did not consider the affidavit regarding respondent No.1's income overall. The amendments to the main application suggest that applicant No.1 wants to extort money from

respondent No.1. Therefore, he requests that the order passed by the Magistrate on 31.07.2023 be quashed and set aside.

Contentions of applicants No.1 to 3 in PWDVA Appeal No.04/2023:

15. It is claimed that the learned Magistrate did not consider respondent No.1's salary of Rs.5 lakh per month and awarded a very small sum as maintenance. The order is illegal and against the basic principles of law. There is no application of mind. Considering the standard of living of the applicants and respondent No.1, along with rising prices of daily needs and medicines, the maintenance amount is insufficient. It is claimed that the applicant should receive Rs.2.5 lakh per month in maintenance. The grant of Rs.10,000 per month for rent is also meager. Hence, the applicants prayed that the order dated 31.07.2023 be modified to award Rs.2.5 lakh per month as interim monetary relief, and that an order for Rs.10,000 per month for rent be passed from the date of filing the application.

16. I heard learned Advocates for both parties. I also gone through the record which is produced by the parties. I also gone through the judgments relied on the parties.

17. Both parties relied on following judgments on following points.

Quatum of maintenance and its determination.
1. Vipul Lakhanpal v/s. Smt. Pooja Sharma Revision No.369 of 2014 decided on 01.06.2015 Hon'ble Himachal Pradesh High Court 2. Yasmeen Bano Shah v/s. Faisal Fateh Mohammed Shah @ Ors., Criminal Revision Application No.115 of 2025, decided on 27.02.2026, Hon'ble Bombay High Court. 3. Babita Bisht v/s. Dharmender Singh Bisht, Criminal Revision Petition No.456/2015, Hon'ble Delhi High Court, decided on 29.05.2019 4. Seema & Anr. v/s. Gourav Juneja, CRR(F) No.205 of 2015 decided on 03.10.2018 Punjab & Haryana High Court 5. Dinesh s/o. Ranganathrao Pandhare v/s. Meghna Dinesh Pandhare & Ors. Criminal Writ Petition No.820 of 2018 decided on 24.06.2019 Hon'ble Bombay High Court 6. Manish Jain v/s. Akanksha Jain, Civil Appeal No.4615 of 2017 decided on 30.03.2017 Hon'ble Supreme Court 7. Smt. Chandana Guha Roy v/s. Goutam Guha Roy AIR 2004 CAL 36 Hon'ble Culcutta High Court 8. Sanjay Bhardwaj & Ors. v/s. The State & Anr. Crl. M. C. No. 491/2009, decided on 27.08.2010 Hon'ble Delhi High Court
Whether consideration of domestic incident is mandatory.
1. Prabha Tyagi v/s. Kamlesh Devi (2022) 8 SCC 90

Hon'ble Supreme Court

2. Shambhu Prasad Singh v/s. Manjari, Crl. M.C. No.3083/2011 & Crl.M.A. No.10914/2021 decided on 17.05.2012 (Hon'ble Delhi High Court)
3. Bhupender Singh Mehra v/s. State NCT of Delhi & Anr. Crl. M. C. No.17662010 decided on 08.10.2010 (Hon'ble Delhi High Court) (Overruled by judgment in the matter of Shambhu Prasad Singh)

Living in adultery

1. Amit Kumar Khodake v/s. Smt. Madhuri @ Anjali, Criminal Revision No.4006 of 2024 decided on 17.01.2025 (Hon'ble Madhya pradesh High Court)
2. Ramchandra Laman Kabmle v/s. Shobha Ramchandra Kamble & Anr. Writ Petition No.3439 of 2016 decided on 21.12.2018 (Hon'ble Bombay High Court)
3. Chhagan Lal Devman v/s. State of Maharashtra I(1990) DMC 533 Hon'ble Bombay High Court
4. Chanda Preetam Wadate v/s. Preetam Ganpatrao Wadate & Anr. 2002 CRI. L.J. 1397 Hon'ble Bombay High Court
5. Namrata Kamlesh Laungani v/s. Kamlesh Vashdev Laungani & Ors. 2024 : BHC-AS : 20261
6. Dr. Virender Kumar v/s. State of U.P. & Anr. Criminal Revision No.6106 of 2023 decided on 16.10.2024

(Hon'ble Allahabad High Court)
7. Resham Lal Dewangan v/s. Smt. Suman Dewangan 2025 : CGHC : 21793 (Hon'ble Chhattisgarh High Court)
8. Jinesh C.R. v/s. Aswathy P.R., 2025 : KER : 88717 (Hon'ble Kerala High Court)
Interest on pending maintenance amount
Prakash v/s. Vithabai, 2024:BHC-AUG:10428 (Hon'ble Bombay High Court)

18. In view of rival contentions, pleadings of the parties and the order of the learned trial court, the following points arise for my determination, and I have given my findings for the reasons given below.

Sr. No	Points	Findings
1.	Whether applicants prima facie prove that there is domestic violence against them at the instance of respondent No.1 ?	Yes
2.	Are applicants entitled to monetary relief or maintenance? If yes, what should be a reasonable quantum?	Yes Rs. 50,000/- to applicant No.1 and Rs.30,000/- each to applicant No.2 and 3
3.	Are applicants entitled to rent of Rs.	Yes but from

	10,000/- per month? If yes, should it be from the date of the order or application?	13/09/2022
4.	Did the Judgement & Order of the learned trial court require interference?	Partly Yes
5.	What order?	Appeal No.4/2026 is partly allowed and appeal No. 5/2026 is dismissed

REASONS

As to Point No.1 to 3:

19. The learned Advocate for respondent No.1 raised certain preliminary objections regarding the maintainability of the application under the provisions of the Protection of Women from Domestic Violence Act, 2005. He submitted that there is no domestic incident report and therefore, the application is not maintainable. He further argued that there is no domestic violence and that all expenses of the applicants are being provided. Additionally, he stated that applicant No.1 has illicit sexual relations with Aadil Liyakat Kaskar, which she admitted in a meeting and in writing, promising to cease such relations. However, by breaking this promise, applicant No.1 entered into illicit relations with Vinayak Jadhav from 2020. The learned

Advocate for respondent No.1 argued that living in adultery and having illicit relations bar the grant of maintenance according to the proviso of section 125 of the Code of Criminal Procedure. Therefore, the learned Magistrate should have framed this issue while deciding the application for interim maintenance. He also stated that respondent No.1 is willing to pay reasonable maintenance to applicants No.2 and 3, is covering their school expenses, and paid Rs.5 lakh in cash for residential purposes. Consequently, the order of the learned Magistrate needs to be quashed and set aside.

20. On the contrary, it is argued on behalf of the applicants that it is not mandatory to have a domestic incident report. It is further submitted that the allegations of adultery made by respondent No.1 itself constitute cruelty, and at this interim stage, it cannot be considered. The learned Magistrate should have taken into account the Maharashtra Amendment to section 125 of the Code of Criminal Procedure, which states that the interim maintenance amount should not be less than one-third of the husband's income. The submission is that respondent No.1 has a salary of Rs.5 lakh, making the reasonable maintenance amount Rs.1.5 lakh. Hence, he prays that the appeal filed by respondent No.1 be dismissed and the appeal filed by the applicants be allowed.

21. In view of the judgment of the Hon'ble Supreme Court in the matter of Prabha Tyagi v/s. Kamlesh Devi (2022) 8 SCC 90, it is clear that a domestic report is not mandatory to entertain a petition under the Protection of Women from Domestic Violence Act. Hence, the contention raised by the learned Advocate for respondent No.1 requires no consideration.

22. The learned Advocate for respondent No.1 argued that, according to section 125(4) of the Code of Criminal Procedure, a wife is not entitled to receive interim maintenance if she is living in adultery. He cited the judgment of the Hon'ble Chhattisgarh High Court in **Resham Lal Dewangan v/s. Smt. Suman Dewangan, 2025 : CGHC : 21793**, and the Hon'ble Kerala High Court in **Jinesh C.R. v/s. Aswathy P.R., 2025 : KER : 88717**, as well as **Dr. Virender Kumar v/s. State of U.P. & Anr., Criminal Revision No.6106 of 2023, decided on 16.10.2024**. I have considered all these judgments. In the first two cases, evidence was presented, and subsequently, the court found that the wife was living in adultery. There is a decree of divorce on the grounds of adultery. In the third case, the husband filed a reply alleging adultery.

23. In this matter, applicants Nos. 1 to 3 filed an application for interim relief at Exh. 6. Respondent No. 1 filed a reply to this at Exh. 17. Interestingly, in his detailed reply supported by an affidavit, respondent No. 1 did not state that applicant No. 1 was engaged in illicit sexual relations outside her

marriage. This reply was filed on 07. 09. 07.09.2022. Subsequently, on 04. 05. 04.05.2023, respondent No. 1 filed a reply to the main application by applicants Nos. 1 to 3, in which he for the first time made allegations of adultery along with other accusations. There was an impediment to respondent No. 1 making allegations of adultery at the time of filing his reply on Exh. 6. After eight months from that reply, he raised these allegations. He did not seek an amendment to the reply at Exh. 17, so subsequent contrary pleadings by respondent No. 1 cannot be considered when evaluating the application for interim relief. This change in stance appears to be motivated by an attempt to avoid maintenance or a protective order in favour of the applicants. Therefore, his claim of adultery is prima facie not genuine and requires evidence. Furthermore, it seems that respondent No. 1 condoned the alleged adultery by obtaining an alleged apology letter. All these issues can be properly examined only after full evidence is heard. Since respondent No. 1 did not mention adultery in Exh. 17, such allegations need to be considered while deciding the interim relief application. Hence, the contention of respondent No. 1 that applicant No. 1 is not entitled to maintenance, raised during argument, is entirely untenable and liable to be rejected. Notably, in reply at Exh. 17, paragraph No. 7, respondent No. 1 admitted that he was willing to pay Rs. 10,000, 000 per month to the applicant, including rent and deposit for alternative accommodation, and was prepared to bear future maintenance for the applicant and her children. This statement contradicts the argument made by respondent No. 1's advocate. It

seems that respondent No. 1 has forgotten paragraph No. 7 of his reply.

24. The allegation of adultery at a later stage of hearing the application prima facie amounts to cruelty and domestic violence. The applicant claimed that she was being forced to leave the house. She filed copies of non-cognizable offences. Therefore, at this stage, the applicant prima facie proved that there is domestic violence at the hands of respondent No.1. Hence, I answer point No.1 in the affirmative.

25. The applicants alleged that respondent No.1 has a salary of Rs.5 lakh per month. Conversely, respondent No.1 claimed that he does not have such an income. He admitted his salary as Rs.2,87,500.

26. The respondent No.1 has not filed a copy of the affidavit regarding his income in this matter. He admits that he has a salary of Rs.2,87,500/-. It is also admitted that he owns immovable properties in Chiplun. In the written arguments filed by applicant No.1 to 3, it is mentioned that respondent No.1 filed an affidavit at Exh.49 stating that he earns a salary of Rs.2,87,500/- and that his accommodation expenses are borne by the company where he works.

27. The Maharashtra Amendment to Section 125 of the Code of Criminal Procedure states that

“Provided also that, subject to the ceiling laid down under this sub-section, the amount of interim maintenance shall, as far as practicable, be not less than thirty per cent of the monthly income of the respondent.”

28. This amendment is made via The Code of Criminal Procedure (Maharashtra Amendment) Act, 1998 (21 of 1999), Section 2, w.e.f. 20.4.1999. By this amendment, the ceiling laid down in sub-section (1) of Rs.500/- was increased to Rs.1,500/-. Hence, if the amendment is harmoniously constructed, the maintenance amount will not exceed Rs.1,500/- even if the respondent's income is more than Rs.10,000/-, applying the rule of 1/3rd. The Central Government amended section 125 and removed the limit imposed on the amount of maintenance. Therefore, in my opinion, the said rule of 1/3rd of income will not be applicable.

29. The learned Advocate for the applicants relied on various judgments and submitted that 1/3rd of the husband's income should be granted as maintenance. However, it is not a hard and fast rule. The court must consider all circumstances, the standard of living, and other relevant factors when deciding on the imposition of maintenance liability.

30. Usually, one-third of the income is required for a person's maintenance. It is an admitted fact that the parents of respondent No.1 died in the year 2020. Therefore, except for the applicants, no one else is dependent on respondent No.1. In his affidavit, he stated his salary as Rs.2,87,500/-. Respondent No.1 is employed at a bank in Kuwait. He owns immovable properties recorded in his name in Chiplun. He has gifted two properties to his brothers and sisters. Applicant No.2 & 3 are studying in school. Considering this, a maintenance of Rs.30,000/- each per month for applicant No.2 & 3 is fair, proper, and reasonable. As for applicant No.1, a maintenance of Rs.50,000/- per month is just and appropriate.

31. The order for rent payment of Rs.10,000 per month ordered by the learned Magistrate is just and proper. However, it is observed that respondent No.1 paid Rs.5 lakh to applicant No.1 as rent for 5 years. The receipt confirming this is produced in the learned trial court. This fact is undisputed. The amount was paid as alternate accommodation on 13.09.2022. She took possession of the flat as per that receipt. She also stated that respondent No.1 purchased a refrigerator for her and that she was bringing household articles with her. Hence, it is clear that until 13.09.2022, the applicants were residing in the accommodation provided by her husband. Therefore, she was not entitled to the rent of Rs.10,000 up to 13.09.2022. However, she is entitled to a rent of Rs.10,000 per month from 13.09.2022 onward. The

respondent No.1 has already paid Rs.5 lakh towards rent. Therefore, the applicants are not entitled to recover the Rs.10,000 monthly rent from 13.09.2022, and the Rs.5 lakh paid should be adjusted against the rent amount ordered by the court. After deducting this Rs.5 lakh, the applicants may enforce the order for rent of Rs.10,000 per month.

32. In view of these facts and circumstances, I answer point No. 2 affirmatively, and the applicant No. 1 is entitled to maintenance of Rs.50,000/- per month. Applicants No. 2 and 3 are entitled to Rs.30,000/- each per month from the date of the application. I also answer point No. 3 affirmatively. However, since Rs.5 lakhs was paid in advance for rent, the rent amount of Rs.10,000/- from 13.09.2022 shall be adjusted against the said Rs.5 lakhs, and until the entire amount is exhausted, the applicants are not entitled to claim the rent of Rs.10,000/- per month.

As to Points No.4 & 5:

33. In view of my findings on points No.1 to 3, the maintenance amount ordered by the learned Magistrate needs to be increased. The learned Magistrate granted Rs.60,000/- monthly maintenance despite there being explicit proof of an income of Rs.2,87,500/-, which is very meager. Moreover, the learned Magistrate failed to consider that Rs.5 lakhs was paid in advance

by respondent No.1 as rent; therefore, this amount should be adjusted against the rent. The applicants have been residing in rented premises since 13.09.2022. As a result, it is necessary to interfere with the order passed by the learned trial court.

34. The proper order will be grant of maintenance of Rs.50,000/- per month to applicant No. 1 and Rs.30,000/- per month to each of applicant No.2 & 3. The applicants are also entitled for rent of Rs.10,000/- per month from 13.09.2022 and the said amount is to be adjusted with Rs.5 lakhs paid by the respondent No.1.

35. The Hon'ble Bombay High Court in the matter of **Prakash v/s. Vithabai, 2024:BHC-AUG:10428** directed the trial courts to award the interest on the amount of maintenance due from the husband or respondent. Therefore, it is proper to grant interest of 7% per annum on the due maintenance amount from the date of this order.

36. Therefore, the appeal filed by respondent No.1, bearing PWDVA Appeal No.5/2023, required to be dismissed, while the appeal filed by the applicants, bearing PWDVA Appeal No.4/2023, required to be partly allowed. Hence, I answer point No.4 in the affirmative, and in response to point No.5, I proceed to pass the following order.

ORDER

1.	The PWDVA Appeals No.04/2023 is partly allowed.	
2.	The PWDVA Appeals No.05/2023 is dismissed.	
3.	The Order of the learned Court of Judicial Magistrate First Class, Chiplun, below application for interim relief at Exh. 6 in PWDVA Application No.35/2022 on 31.07.2022 is hereby modified as follows.	
	(a)	Respondent No.1 shall pay maintenance of Rs. 50,000/- per month to the applicant No.1 and maintenance of Rs. 30,000/- per month each to applicants No.2 & 3 from the date of filing of the main application.
	(b)	Applicants are entitled to rent of Rs. 10,000/- per month by way of alternate accommodation from 12.09.2022, and the amount of Rs. 5 lakhs paid in advance by respondent No.1 be adjusted towards the said amount.
	(c)	The respondent No.1 is entitled to adjust the payment of any amount made by him to the applicants after filing of the main application, except the abovesaid Rs. 5 lakhs towards the maintenance.
4.	The applicants are entitled for the interest @ 7% per annum on the due maintenance amount from the date of	

	this order till its recovery.
5.	A copy of this judgment be provided to both parties free of cost.
6.	The copy of the Judgment be sent to the learned JMFC Chiplun forthwith.
7.	The original judgment be kept in PWDVA Appeal No.4/2023 and digitally signed copy of the same be kept in PWDVA Appeal No.5/2023.

(D.B.Mhalatkar)

Date: 03.08.2026

Additional Sessions Judge, Chiplun

Case No. PWDVA Appeal No.04/2023 & 05/2023 (By Common Judgment)

I affirm that the contents of this pdf file order are same word as per original order.

Name of Grade I Stenographer : Sandeep S. Patil

Court Name : Addl. Sessions Judge, Chiplun.

Date of Decision : 03.08.2026

Order Signed by P.O. on : 03.08.2026

Order uploaded on : 03.08.2026