



Order below Exh. 5

The present application is made for interim maintenance under section 23 of The Protection of Women From Domestic Violence Act, 2005.

2] Perused the record. Heard both sides at length.

Undisputed facts :

3] It appears from the record that applicant No.1 and respondent No.1 married on 09/03/2021. They have a son named Viaan(Applicant No.2). The applicants are now residing separate from the respondents. Applicant No.1 holds a Master in Computer Application (MCA) degree. Respondent No. 1, holds a Bachelor of Business Administration (BBA) degree. Respondent No.1 is employed.

Applicant's case:

4] Post marriage, applicant No.1 cohabited with respondent No. 1 at Sai Haven, Nikol, Ahmedabad, along with respondents No. 2 to 4. Initially, the marriage proceeded smoothly, but applicant No.1 soon experienced a change in the behavior of respondent No(s). 2 to 4. They began to criticize her actions, expressing their disapproval of her

A handwritten signature in blue ink, located at the bottom center of the page.

Maharashtrian background. Respondent No. 1 supported his parent's behavior, telling applicant No.1 to obey them or leave.

5] The respondents also subjected applicant No.1 to financial harassment, prompting her to seek employment. She worked from late May 2021 until 7.08.2021, when she had to resign due to illness. During her eighth month of pregnancy, respondents No. 2 to 4 attempted to physically assault her, leading to a police complaint at Nicol Police Station on 15.02.2022. Despite the abuse, she tolerated the situation, hoping for improvement after the birth of her child. She gave birth to a son, Viaan, on 09.03.2022, via cesarean section, and was discharged from the hospital prematurely at the respondents' request. No traditional post-birth ceremonies were performed. The respondents subjected her to physical, mental, and financial abuse, including physical assaults, verbal abuse, and starvation.

6] On March 29 and 30 of 2023, applicant No.1 was physically assaulted and falsely accused by the respondents. They then forced her and applicant No.2 out of their home, took her belongings, and made her sign a blank paper under threat. After police intervention, she returned to her parents' home in Maharashtra, leaving everything behind. She has filed complaints at Sakhi One Stop Center and Bharosa Cell in Sindhudurg, but no substantial action has been taken.



7] Respondent No.1 earns a monthly salary of Rs.50,000/-. Respondent No. 2 has an annual income of Rs.400,000 from farming and earns Rs.10,000 per month as a security guard. Respondent No. 4 earns Rs.15,000 per month from a private job. Applicant No.1 is currently unemployed and dependent on her parents, whose financial situation is strained due to her father's illness. She is solely responsible for applicant No.2. She requires monthly maintenance for herself and applicant No.2.

Respondent's case:

8] The respondents resisted the application by filing say at Exh.19. The respondents assert that the applicant's contentions are false. They deny ever expressing any intention to go abroad. Their farm is only 1 acre, and does not produce vegetables, fruit or milk. Applicant No.1 insisted on working after marriage, against Respondent No. 1's wish for her well-being.

9] Applicant No.1 showed no interest in housework, preferring to spend more time outside the home. Respondent No. 3 handled all household work. They asserted that applicant No.1 filed a false police complaint. Applicant No.1 chose a caesarean section to match her child's birth date with her marriage date, despite medical advice for a normal delivery. She was discharged from the hospital after two days.



10] The respondents deny all allegations of physical, emotional, and financial abuse. They deny all allegations of taunting, abuse and beating applicant No.1. They deny the alleged physical assaults on 29.03.2023 and 30.03. 2023, and the false accusations by respondent No. 1. They deny taking applicant No.1's phone, confining her, taking her belongings, or coercing her to sign a document. Applicant No.1 had relationships with other men, including a man named Sachin.

11] Respondent No. 1's salary is Rs.14,800. The flat is under a joint loan with Respondent No. 3. The farm yields no income. Respondent No. 2 is unemployed, and Respondent No. 4 earns less than what applicant No.1 stated in her application. The respondents are in debt, due to money borrowed for applicant No.2's birth. Applicant No.1 earns Rs.40,000 to Rs.50,000 per month. The father of applicant No.1 is not ill. On these grounds they prayed to reject the application.

12] The following points arise for determination, I have recorded my findings thereon, for the reasons stated thereunder,

Sr.No.	<u>POINTS</u>	<u>FINDINGS</u>
1	Whether the application prima facie discloses that the respondents have committed acts of domestic violence?	Yes.



2	Whether the applicants are entitled for relief of interim maintenance ?	Yes, Applicant No.1 is entitled for Rs. 3000/- pm and Applicant No. 2 is entitled for 1500/- pm.
3	What Order ?	Application is partly allowed.

Argument by learned advocate Smt. Goankar for the Applicants.

13] The learned advocate Smt. Gaonkar for the applicants submitted that applicant No.1 married respondent No. 1 in 2021 and moved to his family home in Ahmedabad. Initially, things were fine, but soon, respondent No. 1 and his family began mistreating her. They criticized her Maharashtrian background. Respondents subjected her to emotional and financial abuse. This escalated to physical assaults, even during her pregnancy. After giving birth, the abuse worsened. She and her baby i.e. applicant No.2 were neglected, denied food, and eventually forcibly evicted from their home. She was coerced into signing a blank paper under threat. Now, she's back with her parents in Maharashtra, having left everything behind.

14] The learned advocate Smt. Gaonkar further submitted that applicant No.1 has filed complaints with various authorities but in vain. She has approached this court as a last resort. The applicants are in need of financial support. Applicant No.1 is unemployed and

dependent on her parents, who are struggling. Meanwhile, respondent No.1 and his family have substantial incomes. Lastly she submitted that it will take time to decide the present matter on merits, therefore the applicants be granted interim maintenance as prayed for till disposal of the case.

Argument by learned advocate Shri. UB Kulkarni for the respondents

15] The learned advocate Shri. UB Kulkarni for the respondents vehemently submitted that the applicant's case is a lie and her case is fake. He denies that the respondents ever abuse applicant No.1 or make her life hard, and submit that she's making up stories. He furthermore argued that respondent No.1 earns less than she says, and that she spent more time outside the house than at home. He denies all abuse, says she made false police reports, and that the March 2023 incident didn't happen. He argues that she left on her own, her other complaints are false, and she had relationships with other men. The respondents can't afford the amount of maintenance that she wants, and that she only wants money and a divorce, without any good reason. He lastly submitted that there is no domestic violence case made out by applicant No.1. Hence she is not entitled for maintenance. Lastly he prayed to reject the application.



Reasons

As to Point No(s). 1 to 3

16] It is worth to mention here that, if the Magistrate is satisfied that, application prima facie discloses that the respondents are committing or have committed an act of domestic violence, he may grant an interim order providing various reliefs as provided by protection of women from domestic violence Act. Applicant No.1 has filed an affidavit in support of this application. In the application as stated above applicant No.1 has categorically stated the act of domestic violence by the respondents. She has made a complaint to various authorities. The copies of the same have been produced on record.

17] The respondents have denied that they have committed any act of domestic violence. Whether indeed the respondents have committed acts of domestic violence or not is a matter of detailed inquiry. However at this juncture on perusal of the application under consideration along with the documents on record it prima facie appears that the respondents have committed acts of domestic violence. Therefore the applicants are entitled for interim relief of maintenance for their survival.

18] The applicants have prayed for Rs.15,000/ p.m. for applicant No.1 and Rs. 10,000/- for applicant No.2 contending that respondent No.1 is doing a job and drawing a salary of Rs. 50,000/-. However prima facie there is no document in that respect which



clearly shows that respondent No.1 is earning Rs.50,000/-p.m. The fact mentioned by the applicant in their application that respondent No.1 is employed is not denied by the respondents. From the perusal of the bank statement of respondent No.1 it prima facie appears that he was drawing a salary of Rs. 23,000/- p.m., then after there was a hike in his salary by 12,000/-, result of which he has also got Rs.60,000/ as difference for the 5 months. Therefore prima facie it appears that respondent No.1 is drawing a salary of Rs. 35,000/- pm.

19] From the record it prima facie appears that applicant No.1 is currently unemployed and lacks any independent source of income. Moreover, it is to be noted that small child i.e. applicant No.2 is with her. Under these circumstances, it is unrealistic to expect her to secure employment while simultaneously providing childcare to applicant No.2. The respondents have stated that applicant No.1 earns Rs. 40,000/- to 50,000/p.m. But they have failed to produce any documents in that regard. Moreover on perusal of assets and liability affidavit of applicant No.1 it appears that she is currently unemployed. In such circumstances, she is entitled for maintenance. Considering the increasing rate of essential commodities and considering that small child with her and also taking into consideration that respondent No.1 has depended on him in the form of respondent No.2 and 3. Further he is indebted. Therefore it will be just and proper to direct respondent No.1 to pay maintenance amount of Rs. 3000/ p.m. to applicant No.1 and Rs. 1500/ p.m. to applicant No.2. It will meet the real end of



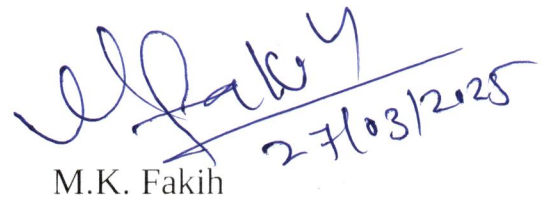
justice. There is no record to show that any amount is paid by the respondents to the applicants pending the petition. Therefore, it will be legal and proper to direct respondent No.1 to pay the maintenance from the date of application. Hence, I answer Point No(s). 1 and 2 in the affirmative and as to point No.3 pass following order,

Order

1. The Application Exh.5 is partly allowed.
2. The respondent No.1 is directed to pay an amount of Rs. 3000/ p.m. to applicant No.1 and Rs. 1500/ p.m. to applicant No.2 as interim maintenance, from the date of application till disposal of the main application.
3. The respondents are hereby directed not to cause any physical mental harassment to the applicant.
4. The copy of this order be given to the applicant, the respondent and protection officer, free of costs.
5. The copy of this order shall also be forwarded to Concern Police Station.

Place : Malvan

Date : 27/03/2025


M.K. Fakih
27/03/2025

Judicial Magistrate F.C., Malvan.

