

Order below Exh.1 and 5 in P.W.D.V.A. No.29/2024

Read application. Respondent No.1 is husband and respondent No.2 is son of respondent No.1 from earlier marriage. Respondent No.3 is third person and it is alleged that respondent No.1 has extra marital affair with respondent No.3. It is stated that respondent No.3 lives in the society where respondent No.1 and 2 and applicant were living together. It is not case that respondent No.3 was living or lived together with applicant in shared household. It is not case that respondent No.3 was in domestic relationship with applicant. The averments in the application *prima facie* constitute domestic violence by the respondent Nos.1 and 2 only. The address of the respondent No.3 is different than rest of the respondents and she is married. Mere allegations in penal nature would not attract provisions of Prevention of Woman from Domestic Violence Act in absence of fact of shared household and living together by the parties. Hence, issue notice to respondent Nos.1 and 2 only through Protection Officer. Call Domestic incident report from Protection Officer. Further, applicant directed to furnish her affidavit of assets and liabilities.

Miraj
Date 24/04/2024

(Nitesh M. Bandgar)
Judicial Magistrate First Class, Miraj