

MHSN060018942024	
ORDER BELOW EXH.05 IN PWDVA NO.66/2024 <i>(Sakshi Mathpati Vs. Chidanand Mathpati)</i>	
Passed on 17 th July, 2026	

The applicant filed this application for grant of interim maintenance of Rs.10,000/- (Rupees Ten Thousand only) per month from respondent till disposal of main application. In spite of sufficient opportunity, respondent failed to file say to present application. Hence, application is proceeded without his say.

02. Perused the application and argument of the learned Advocate for the applicant.

03. I have given thoughtful consideration to the argument advanced by learned Advocate for the applicant.

04. Considering argument advanced by learned advocate for applicant following points arose for my determination and I record my answers thereon for the reasons stated thereunder :-

Sr.No.	<u>POINTS</u>	<u>FINDINGS</u>
1.	Whether applicant is entitled for interim maintenance ? If yes what is the quantum ?	Yes.
2.	What order ?	As per final order.

REASONS

AS TO POINT NO.1 :-

05. The applicant filed main application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 for

various reliefs. At the time of deciding application for interim maintenance, it is not necessary to discuss merits of the application. The main purpose of granting interim maintenance is to support the person or for the survival of the applicant, who is unable to maintain herself during pendency of this application.

06. Heard the Learned Advocate for the applicant. It is submitted that, respondent being husband failed to discharge his matrimonial responsibilities. The contents of the application shows domestic violence. Hence, prayed for maintenance and other reliefs.

07. In the present case, say is not filed. Therefore, it appears that, the relationship is admitted by the respondent. It is the responsibility of the respondent to maintain the applicant being his wife. Perused the affidavit of assets and liabilities of applicant at Exh.14 which shows that, she has no source of income. There is no document which shows there is income of applicant. As the relationship is not challenged by respondent by filing say, it is the bounden duty of respondent to maintain applicant.

08. The present application is under section 23 of the Protection of Women From Domestic Violence Act, 2005 which is as follows:-

23. Power to grant interim and ex-parte orders.—

(1) In any proceeding before him under this Act, the Magistrate may pass such interim order as he deems just and proper.

(2) If the Magistrate is satisfied that an application

prima-facie discloses that the respondent is committing, or has committed an act of domestic violence or that there is a likelihood that the respondent may commit an act of domestic violence, he may grant an ex-parte order on the basis of the affidavit in such form, as may be prescribed, of the aggrieved person under Section 18, section 19, section 20, section 21 or, as the case may be, section 22 against the respondent.

09. Application is supported by affidavit. Applicant stating domestic violence on oath. Thus, there is no reason to disbelieve the applicant. *Prima-facie* it appears that, applicant is unable to maintain herself. At this juncture, *prima-facie*, neglect and refusal to maintain are the sufficient grounds to grant interim relief. The object of the act is to protection and welfare of the aggrieved person. The relief under Section 23 of the Act has no bearing with monetary relief under Section 20 of the Act. Therefore, I am of the opinion that applicant is entitled for maintenance.

10. In-order to decide the main application, more time is required till then the applicant must be in a proper condition to proceed with this application. Thus, she has filed the application. The respondent is legally as well as morally bound to maintain the applicant being his wife. At the time of deciding this application, it will not just and proper to discuss on merits of the application and income of respondent. Therefore, taking into consideration *prima-facie* income of respondent and basic needs of applicant and standard living of the applicant, it is necessary to provide a reasonable interim maintenance to the applicant. Considering all these aspect, I am of the opinion that, the applicant is entitled for interim maintenance per month from respondent. Therefore, I

answer point No.1 in affirmative.

AS TO POINT NO.2 :-

11. In view of my affirmative answer as to point No.1 the applicant is entitled for interim maintenance of Rs.4,000/- from the date of filing of this application till disposal of main application. Hence, in view of above discussion the following order :-

ORDER

1. This application is allowed.
2. Applicant is entitled for interim maintenance of **Rs.4,000/- (Rupees Four thousand only)** from the filing of this application till disposal of main application.
3. Copy of this order be given free of costs to the parties of application vide Section 24 of the Protection of Women From Domestic Violence Act.
4. Copy of this order be given to Police Officer In-charge of Police Station, Miraj City Police Station *vide* Section 24 of the Protection of Women From Domestic Violence Act.

(Dictated and pronounced in open Court).

Place : Miraj.

Date : 17/07/2026.

(Pravin U. Kulkarni)
Judicial Magistrate First Class,
[Court No.3], Miraj.