



Order Below e-application Exh. 5 in Cri.M.A 6/2025

Sakshi Vs Sadashiv and Ors

(MHSN080007172025)

The instant application (Ex.5) is under Section 23 of the Protection of Women from Domestic Violence Act, 2005 (the DV Act) for consolidated interim monetary relief (Ex.5) @ Rs.10,000/- (Rs Ten Thousand only) from Respondent-non-applicant 1.

2 Brief facts:-

Applicant 1 is the legally wedded wife of non-applicant 1. The marital tie between applicant 1 and non-applicant 1 is intact. Non applicants 2 to 5 are the respectively the relatives of non applicant 1. The marriage of applicant 1 with non-applicant No.1 was solemnized on 18/02/2022 as per the Hindu rites and customs. The expenses of the marriage were borne by the parents of the applicant. Radhika (minor daughter of applicant 1 and non-applicant 1) is residing with applicant 1. Radhika was born on 24/09/2023 was born out of the said wedlock. The applicant was ill-treated for not begetting a male child. Applicant 1 was harassed to bring money/dowry from her parents, she was beaten and attempted to be killed. Applicant 1 was deserted after two years of the marriage. Applicant 1 approached the protection officer on 09/05/2025. The Domestic Incident Report (DIR) has been filed. Non applicant 1 refused to take the notice. The report of the protection officer is on the record.

4 Perused the application (Ex.1) interim monetary application, the documents on record filed by applicant 1, and the mandatory affidavit of assests and liabilites as directed by Hon'ble Apex Court in Rajnesh Vs Neha (2021) 2 SCC 324.

5 The applicants have relied upon the following documents, viz.,

Sr.No	Particulars of the documents
1	Application to the Protection Officer
2	VF No.8A
3	VF No.7 and 12 (total 2)
4	Marriage list
5	NCR
6	Letter of Mahila Kasha
7	Aadhar Card of the applicants
8	Photos

6 Non-applicant 1 failed to file say or documents, or the mandatory affidavit of assets and liabilities.

7 Heard.

8 The following points arise for my determination, to which I record my findings together with reasons thereof.

Sr. No	Points for determination	Findings
1	Whether applicant 1 is an aggrieved person under the DV Act?	Yes
2	Whether applicant 1 prima facie makes out incidents of domestic violence?	Yes
3	Whether the applicants are entitled to interim monetary reliefs? If yes, the quantum thereof	Yes, as per the final order.
4	What order?	As per the

final order.

Point Nos.1 to 3

9 The above points for determination are taken up for hearing together for the sake of brevity, convenience and to avoid repetition.

10 This Court is guided by the mandate/law laid down in Rajnesh (supra).

11 One of the relevant provisions in Section 23 of the Act, which provides for the power of the Court, is to grant interim and ex-parte orders.

12 For the sake of convenience and to avoid repeating the same is reproduced herein below

S.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 based on 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.

13 The monetary relief under Section 20 (2) of the DV Act, is in addition to the maintenance order granted under Section 125 of the Code of Criminal Procedure, 1973, or any other law, for the time being in force. The monetary relief, if granted should be adequate and reasonable, and consistent with the standard of living to which the aggrieved person is accustomed. The Court is required to consider the nature and circumstances of the case if the monthly payment/ interim monetary relief(s) is to be allowed.

14 For grant of interim monetary relief, it is a sine qua non that the application prima facie discloses that the respondent-non applicant 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 [Section 23(2) of the Act].

15 The application (Ex.1) is on oath, which **prima facie** mentions various incidents of domestic violence met out by the applicant, at the hands of the non-applicants. The father of applicant 1 has lodged an FIR against the Non applicant 1 on 29/04/2025 for the alleged incident Dt.23/04/2025.

16 Prima-facie, from the NCR coupled with the DIR, suggest the relation-ship of the applicants with non applicant 1 and other non applicants. Prima-facie, the address of non applicant 1 that mentioned in the NCR, the marriage pavati (list) and the DIR appears to be the same. From the revenue record of the properties, it appears to be the owned by Annappa, who is father-in-law of applicant 1. The properties are situated at Mouje Gugwad. The same also found mentions in the affidavit of assets and liabilities of applicant 1. In short, material is prima-facie, sufficient to suggest the relations and paternity of child, which is even otherwise not disputed and i.e., to say the parties were leaving in a domestic relation ship i.e., the applicant 1 and non applicants and non-applicant 1, as the husband and wife.

17 The act of domestic violence is not confined to physical cruelty/violence but includes mental or economic abuse, under Section 3 of the DV Act. The application (Ex.1) prima facie specifies incidents of physical, mental, and economic abuse/violence/cruelty at various points in time in the past. There is a **prima facie** mention of physical and mental cruelty to applicant 1 alleging torture for begating a baby girl, etc., more particularly mentioned in the application (Ex.1) and the demand of dowry etc., in the NCR. Therefore, in the above premises, it may be said that applicant 1 is an aggrieved person within a domestic relationship. Therefore, **prima facie**, it may be said that the non-applicants committed domestic violence.

18 On perusal of the affidavit of the assets and liabilities, of applicant 1, it may be prima-facie said that there is a clear mention of the fact, that no maintenance or interim maintenance has been allowed in any other proceedings in favor of applicant 1 or the applicants or against non-applicant 1 or otherwise. There is no mention of any source of income to applicant 1. The age of Radhika (applicant 2) is mentioned as 2 years, therefore, it may be clearly contended that she cannot have a source of income. The education of applicant 1 as mentioned therein is 10th passed. Non applicant 1 has mentioned his qualification as SY (second year) and having and Ertiga car. The occupation of non applicant 1 is mentioned as tourist business from the Ertiga car and agricultural land. From the revenue record of the agricultural land, it may be prima-facie, said that non-applicant 3 owns and possesses landed property. The properties are agricultural lands. Therefore, certainly they are capable of generating income.

21 In the absence of the ws/say of the non-applicants and more particularly non-applicant 1 or the affidavit of assets and liabilities, as per the law laid down in Rajnesh (supra), the application has to be decided on guess work method.

22 For failure to file the affidavit of assets and liabilities, a prima-facie, an adverse presumption has to be drawn against non-applicant 1. The expenditure etc., under all the heads required for maintaining of the life, by non-applicant 1 may not be readily assumed vis-a-vis his income. Non-applicant 1 is an able bodily person. When the non-applicants (atleast 1 to 3) are residing together (non-applicant 1). There is no denial of the facts in the application (Ex.1). If the facts are viewed from the angle, that non-applicant 1 has the responsibility of Radhika (minor daughter) residing with him, and his parents, the fact remains there is nothing to prima-facie suggest that non-applicant 1 made any interim provision for the applicants.

23 The annual income of the non-applicants 1 to 3 is stated to be Rs.15 to 20 Lakh per annum. There is no denial to the said fact. Therefore, the minimum income per month, when Rs.15 Lakh is

considered as the annum income of the above non-applicants, would come to Rs.1,25,000/- (Rs One Lakh Twenty Five Thousand only). Rs.1,25,000/- (Rs One Lakh Twenty Five Thousand only) when divided into 3 parts (joint sharing etc.,) would come to Rs.41,667/- (approx) (Rs.Forty One Thousand Six Hundred Sixty Seven) per non-applicants 1 to 3. The income from the agricultural lands may be assumed to be Rs.1,00,000/- (Rs One Lakh) per annum. Therefore, certainly non-applicant when jointly resides with non-applicants 2 and 3 may have income from the said source. Radhika (minor) is with non-applicant 1. There is no prima-facie allegations that Radhika (minor) has not been looked after. Therefore, the responsibility of Radhika (minor) is on non-applicant 1. Therefore, adopting a guess work method, for the law laid down in Rajnesh (supra) it may be prima-facie considered that non-applicant 1 is getting a monthly income between Rs.25,000 to Rs.30,000/- per month from all the sources. The applicants have claimed consolidated interim monetary relief of Rs.15,000/- (Rs. Fifteen Thousand only) per month (Rs.10,000/- for applicant 1 and Rs.5,000/- for applicant 2) from non-applicant 1 under all the heads. Admittedly, the applicant resided at her parental house since first week of April 2025. There is nothing to suggest that non-applicant 1 made any interim provision for the applicants, when and after the applicant, left the matrimonial house, vis-a-vis the admitted relations between the parties. Prima-facie, no married lady a minor suckling child may like to reside at her parental house, and the husband. There is nothing to suggest that non-applicant 1 has moved for restitution of conjugal rights or obtained such a decree to suggest the fact that non-applicant 1 is ready to co-habit with applicant 1 and it is applicant 1 who has refused to do so. There is a proceeding by applicant 1 before the Mahila Kaksha Sangli. There is prima-facie no document to suggest that the applicants are residing separately in a tenanted house. Ordinarily, no parent would take charges, from the married daughter, and their grand-daughter, in the above circumstances. No prima-facie documents to suggest medical expenditure of the applicants. Therefore, a consolidated claim of Rs.10,000/- (Rs. Ten Thousand only) per month i.e., Rs.8,000/- (Rs.Eight Thousand only) per month to applicant 1 and

Rs.2,000/- (Rs. Two Thousand only) per month may not be harsh and exorbitant. Considering the peculiar facts and circumstances, it may be said that non-applicant 1 may conveniently bear a consolidated a sum of Rs.10,000/- (Rs Ten Thousand only) per month towards interim monetary relief.

24 By avoiding to file ws/say, non-applicant 1 appears to have flatly denied his responsibility to pay for any amount towards maintenance to the applicant. Non-applicant No.1 is an able bodily person having monthly income from the work, and agricultural land.

25 The fact remains that non-applicant 1 is under a moral and legal duty to maintain the applicant, who are prima-facie unable to maintain themselves.

26 No specific details of the amount claimed under various heads such as education, food, medicine, etc., or the like mentioned by the applicant or documents to suggest the same. Nevertheless, the interim monetary relief should be just, fair, reasonable, and adequate. The interim monetary relief may not be too luxurious nor too penurious. The necessary considerations are the standard of living of both parties etc., Therefore, the consolidated interim monetary relief @ Rs.10,000/- (Rs.Ten Thousand only) per month to the applicants, per month may be justified.

27 Admittedly, no interim maintenance has been allowed by any of the competent Civil Court/Criminal Courts, in favor of applicant 1. Non-applicant 1 has a sufficient source of income. The applicants are dependents upon non-applicant 1.

28 Prima-facie the standard of living of non-applicant 1 is on a higher pedestal than applicant 1. Costs follow the event. Accordingly, the points for determination are answered. Hence, the following

Order

The application is allowed.

8 Order below e-application Ex.5 (Interim Monetary Relief)

- 2** Non-applicant 1 to pay interim monetary relief to the applicant-Wife a consolidated claim of Rs.10,000/- (Rs. Ten Thousand only) per month i.e., Rs.8,000/- (Rs.Eight Thousand only) per month to applicant 1 and Rs.2,000/- (Rs. Two Thousand only) per month , from the date of filing of the present application i.e.,27/08/2025 and shall continue to pay until disposal of the main proceedings.
- 3** The arrears for 27/08/2025 to 29/08/2025 shall be cleared within 2 months from today.
- 4** Cost of the application is quantified @ Rs.5,000/- (Rs. Five Thousand only) payable by non-applicant 1 to the applicants.
- 5** The applicants shall file a separate proceedings for execution of the arrears or part thereof, as the case may be.
- 6** The free copies of the instant order be provided to the parties to the application under Section 24 of the Protection of Women from Domestic Violence Act, 2005.
- 7** The applicant 1 to serve and intimation of instant order of non applicant 1 via RPAD and file service affidavit along with a private notice.
- 8** Both parties to expedite the disposal of the main proceedings.

Jath
Date:- 29/08/2025

(Sanjay P.Bunde)
J.M.F.C, Jath (Court No.2)