

IN THE COURT OF 2nd JUDICIAL MAGISTRATE FIRST CLASS, KARAD**ORDER BELOW EXH. 5 IN P.W.D.VA. No. 42/2026****(CNR NO. MHST070017032026)****[REDACTED]****.. Applicant****- Versus -****[REDACTED]****.. Respondents**

The main application has been filed under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as the "D.V. Act"). The present application has been filed by the applicant under Section 23 of the D.V. Act seeking interim maintenance. Respondent Nos. 1 to 5 have filed a common reply to both the main application and the present application at Exh. 15 and have opposed the same.

2. Heard the learned Advocate Shri C.N. Deshpande for the applicant and the learned Advocate Shri S.T. Gurav for the respondents. The applicant has also filed written arguments at Exh. 20 and reply written arguments at Exh. 21. The application, the reply, the documents placed on record, and the written submissions have been carefully perused.

Brief Facts of the Applicant :-

3. The applicant claims that she is the legally wedded wife of Respondent No. 1. Their marriage was solemnized on 13/11/2022 according to Hindu rites and customs. Respondent Nos. 2 to 5 are the relatives and family members of Respondent No. 1.

4. It is the case of the applicant that after the marriage, the

respondents subjected her to various acts of domestic violence, including physical assault, intimidation, verbal abuse, outraging her modesty, sexual harassment, and mental cruelty. It is further alleged that she was ultimately driven out of the matrimonial home and compelled to reside separately.

5. The applicant contends that she is presently living a destitute life. According to her, her parents are unwilling to support her as the marriage with Respondent No. 1 was a love marriage. She has, therefore, sought interim reliefs under the D.V. Act, including a protection order, residence order, interim compensation, and interim maintenance of Rs. 30,000/- per month from Respondent No. 1.

Defence of Respondent Nos. 1 to 5 :-

6. Respondent Nos. 1 to 5 have filed their common reply at Exh. 15, denying the allegations made in the application. However, they have admitted the marital relationship between the applicant and Respondent No. 1.

7. The respondents have denied all allegations of domestic violence and have contended that the applicant was treated with love, dignity, and affection in the matrimonial home. According to them, the entire expenses of the marriage were borne by the respondents. It is further contended that Respondent No. 1 extended full support to the applicant in pursuing her career by providing her with an iPhone and a laptop and by paying her educational fees amounting to Rs. 4,50,000/-.

8. They further contend that the applicant was undergoing

an internship at Kolhapur and was receiving a stipend of Rs. 6,000/- per month. The applicant desired that Respondent No. 1 should shift to Pune; however, owing to his permanent employment, it was not possible for him to relocate. According to the respondents, the applicant deliberately picked up quarrels with Respondent No. 1 with the intention of obtaining a divorce.

9. It is further contended that Respondent No. 1 financed the applicant's higher education and that he issued a notice dated 04/09/2025 calling upon the applicant to resume cohabitation and subsequently instituted H.M.P. No. 422 of 2025. The applicant sent a reply to the said notice on 13/10/2025. According to the respondents, the applicant voluntarily left the matrimonial home on 16/06/2025, taking with her the gold ornaments gifted to her at the time of marriage.

10. The respondents further contend that Respondent No. 1 paid an amount of Rs. 6,33,000/- to the applicant from time to time towards her expenses and, in all, incurred expenditure ranging between Rs. 25,00,000/- and Rs. 27,00,000/- on the applicant over the last four years. It is further stated that he had to avail himself of various loans to meet such expenses. According to the respondents, the applicant is adamant and unwilling to resume cohabitation.

11. It is further contended that the applicant has completed her M.B.A. (Human Resources), is pursuing a Ph.D., and is also studying L.L.B. According to the respondents, she is gainfully employed and earns approximately Rs. 70,000/- to Rs. 80,000/- per month. On the other hand, Respondent No. 1 has allegedly left his employment and is presently unemployed. He is dependent upon his

parents for his livelihood. It is also contended that the agricultural land owned by the family generates an annual income of only Rs. 8,000/- to Rs. 10,000/-. Therefore, according to the respondents, Respondent No. 1 has no sufficient independent source of income to pay maintenance, and hence, the present application deserves to be rejected.

12. In view of the rival pleadings and submissions of the parties, the following points arise for determination, along with the findings and reasons thereon:

Sr.No	Points	Findings
1]	Does applicant <i>prima facie</i> prove that respondents have subjected her to Domestic Violence ?	In Affirmative.
2]	Is applicant entitled for maintenance ? If yes ? At what rate ?	Partly, Affirmative. Rs.8,000/- per month to applicant.
3]	Is applicant entitled for interim protection order ?	Already Granted as per Exh. 9.
4]	Is applicant entitled to residence order ?	In Negative.
5]	Is applicant entitled for interim compensation order ?	In Negative.
6]	What order ?	Application is partly allowed as per final order.

REASONS

13. To support the grounds set out in the application, the applicant has produced the following documents:

1.	Photographs of Marriage Ceremony at Exh. 8/1.
2.	Marriage affidavit and supportive affidavit at Exh. 8/2 and Exh. 8/3.
3.	Affidavit of respondent at Exh. 8/4.
4.	Copy of Exh. 1 in H.M.P No. 422/2025 at Exh. 8/5.
5.	Account extract of applicant at Exh. 8/6 and Exh. 8/7.
6.	Copy of Account Extract of applicant's father viz., [REDACTED] at Exh. 22/1.
7.	Copy of passbook of [REDACTED] at Exh. 22/2.
8.	Copy of deposit receipt of [REDACTED] at Exh. 22/3.
9.	Copy of bank account extract of [REDACTED] at Exh. 22/4.
10.	Copy of withdrawal slips of [REDACTED] at Exh. 22/5 and at Exh. 22/6.

14. On the other hand, the respondents have produced the following documents:

1.	Assessment extract of respondent No. 2 at Exh. 19/1.
2.	7/12 Extract of respondent No. 2 at Exh. 19/2.
3.	Reply of Legal Notice at Exh. 19/3.
4.	Copy of the e-mail received by the respondent No. 1 from the company at Exh. 19/4.
5.	Copy of the profile photo of the applicant on the social media platform LinkedIn at Exh. 19/5.
6.	Sealed Envelope at Exh. 19/6

As to Point No. 1:

15. The Act, inter *alia*, provides for more effective protection of the rights of women guaranteed under the Constitution who are victims of violence of any kind occurring within the family. The Act defines the term “domestic violence” in Section 3. The definition covers physical as well as mental harassment. It also includes verbal and emotional abuse, economic abuse, etc. In determining whether any act, omission, or conduct of the respondent constitutes domestic violence, the overall facts and circumstances of the case shall be the guiding factor.

16. Keeping in mind the basic structure of the Act, let me consider the evidence presented by the parties. The applicant has stated that she was subjected to domestic violence, including physical, emotional, and verbal abuse. The respondents have denied these allegations. However, at this stage, the applicant has presented her version through an affidavit. For the purpose of deciding the interim application, the contents of the affidavit can be considered.

17. The allegations made are of a serious nature. Although the respondents have denied the allegations and attributed blame to the applicant for her conduct, they have failed to provide any evidence to support their claims. Therefore, *prima facie*, it appears that the applicant was subjected to domestic violence by the respondents.

18. To sum up, for the aforementioned reasons, I am of the considered view that the respondents have subjected the applicant to ill-treatment. She is a victim of domestic violence. Accordingly, I answer Point No. 1 as in **“Affirmative”**.

As to Points No. 2 : Interim Maintenance :-

19. Once it is established that the applicant is an aggrieved person who has been subjected to domestic violence, the Magistrate is empowered under Section 23 of the Protection of Women from Domestic Violence Act, 2005 to grant interim reliefs contemplated under Sections 18, 19, 20, 21 and 22 of the Act. Under Section 20, the Court may grant monetary relief to meet the expenses incurred and the losses suffered by the aggrieved person and her child as a consequence of domestic violence. Such monetary relief includes maintenance for the aggrieved person and her children. The statute further mandates that the monetary relief awarded should be adequate, fair, reasonable, and consistent with the standard of living to which the aggrieved person is accustomed.

Affidavit of Assets and Liabilities of the Applicant :-

20. The applicant has filed an affidavit of assets and liabilities at Exh. 7. She has disclosed that she possesses an M.B.A. degree. In the affidavit, she has claimed that her monthly expenditure is Rs. 30,000/-. She has further stated that she is residing as a paying guest and is liable to pay monthly rent of Rs. 15,000/-, though she has admittedly not paid the rent for the last five months. She has also claimed that she has borrowed a hand loan of Rs. 1,00,000/- from her friends and father towards her educational and other personal expenses.

21. The applicant has contended that Respondent No. 1 was working as a Store Manager at Levis Exclusive Store, Karad, and was earning approximately Rs. 60,000/- per month. It is further alleged

that he owns ancestral agricultural land admeasuring about 12 acres situated at Village Ond, Taluka Karad. According to the applicant, she has no independent source of income, is residing with her friends, and is meeting her day-to-day expenses by borrowing money from them.

22. The applicant has also produced on record the statements of various bank accounts. The said statements disclose several transactions whereby amounts were transferred by Respondent No. 1 to the applicant from time to time. With regard to the credit entry dated 07/08/2025 for an amount of Rs. 4,02,458/- in the account maintained with the Satara District Central Co-operative Bank Ltd., Satara, the applicant has contended that the said amount represented the proceeds of a fixed deposit standing in her name, which was subsequently withdrawn by her father on 07/08/2025 and 08/08/2025.

23. The applicant has further stated that her father withdrew the amount of the fixed deposit because he was upset with her on account of her love marriage. In support of this contention, she has produced certain documents relating to the said fixed deposit.

24. However, the pleadings of the applicant reveal material inconsistencies. On one hand, she has pleaded that she is surviving solely on the mercy of her friends and has no financial support from her parents. On the other hand, the bank transactions disclose that an amount exceeding Rs. 4,00,000/- was credited to her account in connection with the fixed deposit maintained by her father. If, as alleged by the applicant, her relationship with her father had become strained due to the love marriage and he had completely withdrawn his support, it is difficult to accept that such a substantial amount

would have been deposited in or routed through her account. Consequently, the contention of the applicant that she is surviving only on the mercy of her friends does not inspire confidence. Moreover, the applicant has neither disclosed the names of such friends nor produced any affidavit or other material to substantiate her claim that they are maintaining her financially.

Affidavit of Assets and Liabilities of Respondent No. 1 :-

25. Respondent No. 1 has filed his affidavit of assets and liabilities at Exh. 17. He has disclosed that his educational qualification is 12th Standard. According to him, he is presently unemployed and is searching for suitable employment. He has further contended that the applicant is gainfully employed and is earning approximately Rs. 60,000/- to Rs. 70,000/- per month.

26. Respondent No. 1 has produced on record a copy of his resignation e-mail dated 08/05/2026, whereby he expressed his intention to resign from service with effect from 07/07/2026. He has also produced the employer's e-mail dated 13/05/2026, accepting his resignation.

27. Although Respondent No. 1 has contended that he has resigned from his employment, he has not disclosed any reason for tendering his resignation. The present proceedings came to be instituted on 20/04/2026, and an interim protection order below Exh. 9 was passed on 27/04/2026. Thus, it appears that Respondent No. 1 resigned from his employment after the institution of the present proceedings. Furthermore, despite filing the affidavit of assets and liabilities, he has failed to produce the bank account statements

required to accompany the affidavit.

28. The learned Advocate for the applicant has rightly invited the attention of the Court to Clause F, Item No. 9 of the prescribed format of the affidavit of assets and liabilities, which specifically requires the deponent to furnish copies of all bank account statements for the preceding three years. Respondent No. 1 has omitted to furnish the said documents. In the absence of any explanation for such omission, an adverse inference can legitimately be drawn against him that he has deliberately withheld the relevant financial information in order to conceal his actual income and financial resources and thereby avoid his liability to pay maintenance.

29. Respondent No. 1 has also produced on record a copy of the reply notice dated 13/10/2025, issued through Advocate Smt. Manisha D. Patil on behalf of the applicant. The said reply bears the signature of the applicant. In the said notice, the applicant has specifically asserted that she had never married Respondent No. 1, that she was employed at Pune, and that she had already repaid all amounts allegedly spent by Respondent No. 1 on her. In the present proceedings, however, the applicant has disowned the contents of the said notice and has taken a contrary stand.

30. Therefore, *prima facie*, it appears that the applicant has also not approached the Court with complete candour. She has taken inconsistent stands regarding her marital relationship with Respondent No. 1 and her employment status. While in the earlier reply notice she claimed to be employed at Pune and denied the marriage, in the present proceedings she asserts that she is unemployed, wholly dependent upon others for her livelihood, and

seeks interim maintenance as the legally wedded wife of Respondent No. 1. These material inconsistencies, coupled with the incomplete disclosure regarding her financial resources, affect the credibility of her case and are relevant factors while considering her claim for interim monetary relief. At the same time, Respondent No. 1 has also failed to make complete disclosure of his financial affairs by withholding the mandatory bank account statements. Consequently, both parties have failed to make full and truthful disclosure of their respective financial positions, which the Court is required to consider while adjudicating the present application for interim maintenance.

31. It is further evident that the applicant is better qualified educationally than Respondent No. 1, having completed an M.B.A., while also pursuing a Ph.D. and an LL.B., whereas Respondent No. 1 is educated only up to the 12th Standard. The applicant is therefore capable of securing gainful employment and maintaining herself. Nevertheless, mere educational qualification or earning capacity cannot, by itself, deprive an aggrieved wife of interim maintenance if she is not shown to have sufficient independent income for her immediate sustenance.

32. However, in order to ensure that she is not left without means of subsistence pending adjudication of the main proceedings, she is entitled to a reasonable amount of interim maintenance for her livelihood, commensurate with the financial status and earning capacity of Respondent No. 1.

33. The applicant has relied upon following authorities :-

i) Mr. Prakash Murigeppa Harapanahalli Vs. Mrs. Shwetha Walvekar, W.P. No. 33410 of 2025, dt. 1704/2026.

ii) Mr. Lokesh Kumar Singh Vs. Ms. Neeta Singh & Ors. CRL. REV. P (MAT) 177/2024, The Hon'ble High Court of Delhi.

iii) Manoj Kaluramji Jamankar Vs. Lalita w/o Manoj Jamankar, Cri. Revision Application No. 183/2024, the Hon'ble High Court of Bombay, Nagpur Bench.

iv) Rinki Chakraborty Nee Das Vs. The State of West Bengal & anr. CRR 2556 of 2023, the Hon'ble High Court at Calcutta.

v) Rajnesh Vs. Neha, AIR 2021, the Hon'ble Supreme Court.

I have taken into consideration ratio laid down in these authorities .

34. In case of *Rajnesh Vs. Neha* , MANU SC /0833/2020, the Hon'ble Supreme Court,

Wherein, it is held that, “(d) *Date from which maintenance is to be awarded. We make it clear that maintenance in all cases will be awarded from the date of filing the application for maintenance, as held in Part B - IV above.*”

Therefore, in view of the above authority, I deem it proper to award maintenance from the date of filing of the application.

35. Based on the above reasons and discussion, I hold that the applicant is entitled to maintenance of Rs.8000/- per month, effective from the date of filing the application, i.e., 20/04/2026. Accordingly, I answer Point No. 2 as “**Partly Affirmative**”.

As to Point No. 3 : Protection Order :-

36. The applicant has prayed for a protection order. The interim protection order is already granted as per order below Exh.9. Hence I answer the point No. 3 as **“Already Granted”**.

As to Point No. 4 : Residence Order :-

37. The applicant has also claimed that the respondent should make arrangements for her residence. The applicant has sought an interim residence order under Section 19 of the Protection of Women from Domestic Violence Act, 2005. The object of a residence order is to secure the right of residence of an aggrieved person in the shared household and to protect her from being dispossessed or excluded therefrom. However, the grant of such relief is discretionary and depends upon the facts and circumstances of each case.

38. The record discloses that Respondent No. 1 had issued a notice calling upon the applicant to resume cohabitation and thereafter instituted H.M.P No. 422 of 2025. In the reply notice sent through her Advocate, the applicant denied the very marital relationship with Respondent No. 1 and stated that she was residing and working at Pune. Thus, the applicant herself has taken inconsistent stands regarding the marital relationship and her place of residence. These inconsistencies create serious doubt regarding the necessity for grant of an interim residence order at this stage.

39. Further, the applicant's contention that she is presently residing with her friends does not inspire confidence. The applicant has not disclosed the names, addresses, or any particulars of such

friends with whom she is allegedly residing. No affidavit of any such person has been placed on record to corroborate her version. Apart from her bare assertion, no documentary or other cogent material has been produced to establish that she is, in fact, residing with such friends or that they are bearing her day-to-day living expenses. In the absence of any supporting evidence, the said contention remains a mere bald assertion and cannot be accepted at its face value. Hence, the prayer for an interim residence order deserves to be rejected. Accordingly, I answer Point No. 4 as “**Negative**”.

As to Point No. 5 : Interim Compensation :-

40. The applicant has also sought interim compensation under Section 22 of the Protection of Women from Domestic Violence Act, 2005. Section 22 empowers the Magistrate to award compensation and damages for the injuries, including mental torture and emotional distress, caused by the acts of domestic violence. Though Section 23 enables the Court to grant interim relief, including interim compensation, such relief cannot be granted as a matter of course. The applicant must make out a strong prima facie case by placing cogent material before the Court demonstrating the nature of the injuries suffered and the necessity for immediate monetary compensation pending adjudication of the main application.

41. In the present case, the allegations of physical, mental, and emotional cruelty made by the applicant are specifically denied by the respondents. At this interlocutory stage, the alleged acts of domestic violence and the consequential mental agony or emotional distress are yet to be established by leading evidence. The applicant has not produced any medical record, psychiatric or psychological

report, or any other independent material to prima facie establish that she has suffered such injury or loss warranting grant of interim compensation.

42. Furthermore, the applicant has taken inconsistent stands regarding the marital relationship, her employment status, and her financial condition. She has also failed to make complete disclosure of her financial resources. These inconsistencies materially affect the credibility of her claim and require a detailed appreciation of evidence during the trial. Whether the applicant has suffered mental torture or emotional distress on account of the alleged acts of domestic violence, and the quantum of compensation, if any, are matters that can appropriately be determined only after the parties adduce evidence and the allegations are adjudicated on merits.

43. The prayer for interim compensation, being distinct in nature and dependent upon proof of injury and consequential loss, cannot be granted at this interlocutory stage. Hence, the said prayer deserves to be rejected. Hence I answer point No. 5 in “**Negative**”.

As to Point No. 6 :

44. For the aforesaid reasons, I proceed to pass the following order.

ORDER

1. The application under Section 23 of the Protection of Women from Domestic Violence Act, 2005 is partly allowed.

- i) The prayer seeking an interim residence order under Section 19 of the Protection of Women from Domestic Violence Act, 2005 is rejected.
 - ii) The prayer seeking interim compensation under Section 22 of the Protection of Women from Domestic Violence Act, 2005 is rejected.
 - iii) Respondent No. 1 shall pay interim maintenance of Rs. 8000/- (Rupees Eight Thousand only) per month to the applicant from the date of filing of the present application till the final disposal of the main application.
 - iv) The observations made herein are *prima facie* in nature and confined only to the adjudication of the present application for interim relief. They shall not influence the final decision of the main application, which shall be decided independently on the basis of the evidence adduced by the parties.
2. A copy of this order shall be provided to the applicant and the respondents free of cost.

Place :- Karad.

Date :- 23/07/2026.

(Smt. A.V. Mohite)

2nd Judicial Magistrate First Class, Karad.

Tal. Karad, Dist. Satara.