

MHST070048542025



-: Cri.Miscellaneous Application No.395 of 2025 :-
-: Order Below Exh.05 :-

This is an application filed by the applicant under section 144 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred as **“B.N.S.S. Act”** in short) for interim maintenance.

02. The applicant's case in brief is as follows;

a) It is contended that the applicant and respondent are husband and wife, who got married on 07/11/2024 at Karad, with the consent of family members of both the parties. Before marriage, father of applicant spent Rs.1,00,000/- for the engagement ceremony. For the marriage, father of applicant gifted 10 gram gold Mangalsutra, half tola gold ear rings to the applicant and 5 gram gold ring to the respondent. He also gifted the necessary life essentials to the couple.

b) The respondent works at Visteon Technical and Services Center, Pimpri as Engineer having monthly salary of more than Rs.1,00,000/-. So also, the respondent's family owns a house valuing Rs.50,00,000/- at Kale, Karad and a 1BHK Flat at Talegaon Dabhade.

c) Prior to the marriage, the family members of respondent were forcing applicant and her father to arrange big engagement program in Mangal Karyalaya. However, due to financial inability of her father they performed the engagement ceremony in front of the house of the applicant. In that ceremony the mother-in-law

of applicant demanded 3 tola Gold. After the marriage when the applicant went to cohabit with the respondent, at that time, the mother-in-law used to harass the applicant. She used to taunt her as her father could not satisfy the financial demands. The mother-in-law used to pick up unnecessary quarrels and used to abuse her. She also used to taunt the applicant and stopped her from speaking with the respondent. The mother-in-law used to hurt the applicant by throwing utensils and also used to stop the respondent from taking applicant to the doctor. As the applicant was suffering from pain, her father visited the house of respondent and to see her, however the respondent through the applicant out of their house. Hence, the applicant went with her father. Thereafter, the applicant again went to reside with the respondent, however the respondent and his family members started harassing her. In February, 2025 the applicant and respondent went to reside at Talegaon, however the respondent's mother used to call the respondent and instigate him to harass the applicant due to which the differences and quarrels between applicant and respondent increased. The respondent started misbehaving and abusing the applicant. Hence, upon the complaint of the applicant to her father, he visited to the respondent's house. At that time, respondent demanded 10 tola Gold to the applicant's father and driven the applicant and her father out of the house. Presently the applicant is residing with her uncle.

d) The respondent is avoiding to maintain the applicant. The applicant is unable to maintain herself. Nobody is dependent upon the respondent. Hence, it is prayed that respondent be

directed to pay the monthly maintenance Rs.30,000/- and Rs.8,000/- per month as rent for accommodation to the applicant. Accordingly, it is prayed that application be allowed.

03. Respondent appeared and filed his reply at Exh.23. In short the respondent's case is as follows;

a) He admitted the relationship and date and place of their marriage. However, he denied the contents of the application contending that the application is false. It is further contended that the respondent and his family have carried the expenses of marriage. They have given 2.5 tola Mangalsutra, 3 gram Gold ring, 2 gram ear rings to the applicant. He admitted that the applicant's father gifted bed, cup-burd, utensils to the applicant. It is contended that the applicant spent 20,000/- to 30,000/- Thousand for the engagement.

b) After the marriage for few days the applicant behaved properly. However, thereafter she started getting up late, she don't use to help in household chores and only used to be on phone. She used to get angry without any reason. On 24/01/2025 the respondent's father suffered paralytic attack, hence the respondent came to the house at Kale. However the applicant never helped the respondent in such medical condition. She also did not take care of the respondent's father. Further, the respondent provided all needs to the applicant, he also used to give her money for expenses whenever needed. On the other hand, whenever the respondent's mother called the applicant, she used to quarrel with her. On 13/05/2025 the applicant did not accompany the respondent for the relative's marriage, and upon

asking about same, she said that, she will behave as she likes. Thereafter, on 17/05/2025 she voluntarily left the house and went with her father along with all her material. The respondent tried to convince the applicant, however she denied and demanded divorce. The applicant also filed H.M.P No.512/2025 for restitution of conjugal rights.

c) The family members of the respondent are dependent upon him and his income. The younger brother of respondent is mentally retarded. Hence, the respondent bears the expense of Rs.30,000/- for family's medical needs. He also requires Rs.20,000/- per month for his own expenses and Rs.50,000/- as monthly EMI of the Flat. On the other hand, the applicant is M.Sc.,C.A. educated and works for the income of Rs.30,000/- per month. So also, the applicant had done beauty parlor course and earns handsome income from it. The applicant's family have one acre landed property on the highway and have Panshop along with hotel. Hence, the applicant earns sufficient income. Accordingly, it is prayed that the application be rejected.

04. Perused the application and say. Heard learned advocate for the applicants and learned advocate for respondent. Considering the rival contentions, following points arise for my determination and its findings along with the reasons are as follows :-

SR. NO.	POINTS	FINDINGS
1.	Does applicant prima-facie prove that, the respondent having sufficient means neglected and refused to maintain her ?	Yes

2.	Whether the applicant prima-facie prove that, she is unable to maintain herself ?	Yes
3.	Whether the applicant is entitled her interim maintenance ? If Yes, what amount ?	Yes, Rs.8,000/- per month
4.	Whether the applicant is entitled for order of monthly house rent amount ? If yes, what amount ?	No
5.	What order ?	Application is partly allowed as per final order.

-:: REASON ::-

05. In support of her case Applicant relied upon marriage photographs, copy of marriage invitation card. On the other hand respondent relied upon house Loan papers, bank loan statement, Insurance copy of applicant, Bill of Laptop, bills of gold ornaments, medical reports of father. The affidavit of asset, income and liability along with the documents of the applicant is at Exh.18 and the affidavit of asset, income and liability along with the documents of the respondent is at Exh.17.

POINT NO. 01 to 04 :-

06. The learned advocate for applicant and learned advocate for respondent argued as per the contents of application and say respectively. Hence, their arguments are not reproduced.

07. It is the case of the applicant that, after her marriage with respondent on 07/12/2024, the respondent harassed her and made persistent financial demands. It is further alleged that

the respondents drove her out of the matrimonial house. According to the applicant, she has no independent source of income. Accordingly the applicant is unable to maintain herself. The respondent despite having sufficient means, is neglecting and refusing to maintain her. She is presently residing with her father. On these grounds she prayed for monthly maintenance of Rs.30,000/- and amount of Rs.8,000/- for house rent.

08. On the other hand, respondent No.1 has denied all the allegations of domestic violence made in the application. According to him, the respondent was always ready and willing to maintain the applicant, she herself did not behave properly in the house and she used to trouble the respondent. She herself has left the house. It is also contended that the applicant is well educated and she does a job and earns herself income. Considering the same the applicant is not entitled for any interim maintenance and prayed that application be rejected.

09. Upon perusal of the application and the reply, it is evident that the applicant and respondent No.1 are husband and wife, having solemnized their marriage on 07/12/2024 at Karad. The said fact is substantiated by the marriage photographs and the marriage invitation card produced by the applicant and is also admitted by the respondent. It is further apparent that, after the marriage, the applicant resided with respondent at the matrimonial home. This fact has not been disputed by the respondent. On the contrary, respondent himself admits that the applicant resided with him after the marriage. Further, the affidavit of income, assets and liabilities (Exh.17) filed by

respondent records in Column A(6) that the parties started residing separately from 17/05/2025. These circumstances prima-facie establish that the parties lived together as husband and wife.

10. The applicant has alleged that she was subjected to harassment. On perusal of the application it reveals specific allegations in the application in that respect. At this stage, the Court is only required to ascertain whether a prima-facie case exists in favour of the applicant. The applicant has narrated several incidents of alleged harassment. Thereafter, she has specifically contended that the circumstances forced her to leave the matrimonial house, which fact has been denied by the respondent by contending that the applicant herself left the house. Whether the applicant left the matrimonial home of her own will or was forced to do so is a matter that can be adjudicated only after appreciation of the evidence to be led by both parties during trial. At this stage, it is an admitted position that the applicant is the legally wedded wife of respondent No.1 and that the parties resided together in same house after their marriage. Consequently, respondent No.1 has a legal and moral obligation to maintain the applicant.

11. The applicant has specifically alleged that the respondent earns Rs.1,05,000/- per month by working in Visteon Technical and Services Center, Pimpri. The affidavit of assets and liability of the applicant and respondent at Exh.18 and 17 respectively makes it clear that the respondent earns Rs.1,05,000/- per month. On the other hand, it is contended by

the respondent that the applicant is doing job and earns her income. It is also alleged that there are several properties of the applicant's family and its benefits are enjoyed by the applicant. However, in respect of these contentions no prima-facie evidence has been put forward by the respondent. Hence, under such circumstances the fact remains prima-facie establish that the respondent earns Rs.1,05,000/- per month. However, it is not prima-facie established that applicant is an earning individual income. Hence, prima-facie, applicant is unable to maintain herself. The respondent has mentioned in the application that for his house loan and monthly expenses he incurs Rs.50,000/- and Rs.20,000/- respectively i.e. total expense of Rs.70,000/- per month. He has also filed on record the loan documents and bank statements, which prima-facie shows that the respondent has availed the loan and monthly EMI is getting deducted from the account. Having this position, the respondent cannot deny his moral responsibility to maintain the applicant, especially when it is prima-facie shows that the applicant is unable to maintain herself.

12. In view of the foregoing discussion, the applicant is entitled to an order of interim maintenance. Before moving to interim maintenance, it is necessary to state that the applicant has also prayed for monthly amount of Rs.8,000/- for rent, however she has not demonstrated as to at which rental premises she is residing or praying to reside, nor it is demonstrated as to how the amount of Rs.8,000/- is calculated. Hence, the applicant is not entitled for the expenses for monthly rent.

13. Now, in respect of interim maintenance, while determining the same the Court is required to consider the reasonable expenses towards food, clothing, shelter and medical treatment. The applicant has claimed that she resides with her uncle Shri.Tanaji Chavan. Similarly, although the applicant has asserted that she incurs regular medical expenses, no medical bills or other documents have been produced to indicate the actual monthly expenditure. Thus, the applicant has also failed to demonstrate as to how the amount of Rs.30,000/- is calculated and arrived at. Considering the material available on record, the income disclosed by respondent and the overall facts and circumstances of the case, this Court finds it appropriate to direct respondent to pay interim maintenance of Rs.8,000/- (Rupees Eight Thousand Only) per month to the applicant. Accordingly, Point Nos.1 to 3 are answered in the **“Affirmative”** and Point No.4 in the **“Negative”**.

POINT NO. 05 :-

14. From the discussion made in the above points, it is clear that, the applicant has made out prima-facie case and is entitled for interim maintenance of Rs.8,000/- per month. However, she is not entitled for any order for monthly house rent amount. Hence, the application is liable to be partly allowed. Accordingly in answer to this point, I proceed to pass the following :-

-:: ORDER ::-

1. Application is partly allowed.
2. The respondent is directed to pay the amount of

Rs.8,000/- (Rupees Eight Thousand Only) per month to the applicant as amount of interim maintenance from the date of application till final decision of the case or till further order.

3. Copy of the order be provided free of cost to the applicant and respondent.

(Dictated and pronounced in open Court.)

Date :- 04/08/2026

Place : Karad

(Shri. Y.P. Bavkar)
5th Judicial Magistrate First Class,
Karad, Dist.Satara.

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