



CNR No. : MHWR030082772024
PWDVA A. No. 182/2024
Priyanka + 1 V/s. Arvind

ORDER BELOW EXH. 05

(Passed on 07/10/2025)

This is a proceeding under the provisions of Protection of Women from Domestic Violence Act (in short '*the D.V. Act*'). Applicant No. 1 through present application is seeking interim relief of maintenance against respondent. Respondent filed his say at Exh. 14, denied all the allegations of domestic violence and prayed for rejection of the application.

2. Considering the rival submissions, following points arise for my consideration; my findings thereto with reasons thereof are as follows :

<u>Sr. No.</u>	<u>Points For Consideration</u>	<u>Findings</u>
1.	Whether applicants <i>prima facie</i> prove that, applicant No. 1 is / was in domestic relationship with the respondent ?	... Yes.
2.	Whether they <i>prima facie</i> prove that, applicant No. 1 was subjected to domestic violence by respondent ?	... Yes.
3.	Whether applicant No. 1 is entitled for the relief of interim maintenance as prayed ?	... Partly Yes.
4.	What order ?	... As per final order, application is partly allowed.

REASONS FOR THE FINDINGS

3. Ld. Advocate for applicant vehemently submitted that, applicants in their application supported by affidavit has categorically

mentioned the instances which show that respondent had subjected applicant No. 1 to domestic violence. Further, copy of complaint made to Police also support their contentions. Applicant No. 1 does not have any income source and she is unable to maintain herself & her son. Whereas, respondent earns more than Rs. 15 Lakhs per year, but he did not make any arrangement for their maintenance. Hence, applicant is entitled for the reliefs sought.

4. *Per contra*, Ld. Advocate for respondent categorically contended that, respondent had treated the applicant cordially, but she herself left the house of respondent. Further, he is still ready to cohabit with the applicants. He does not have sufficient income source and thus, he is unable to pay the maintenance amount as prayed. Hence, prayed for rejection of the application.

AS TO POINT NO. 1 :

5. Perused the application, say filed and the record. Heard both sides. Perusal of say (Exh. 14) reveals that, it is not disputed that applicant No. 1 is the legally wedded wife of respondent. Further, respondent also did not dispute that he & applicant No. 1 were residing together at her matrimonial house in a shared household. Hence, as per the provisions of Sections 2(f) & 2(s) of the D.V. Act, applicant No. 1 & respondent appear to be in domestic relationship & were living together in a shared household respectively. Accordingly, I answer Point No. 1 in the affirmative.

AS TO POINT NO. 2 :

6. Perusal of the main application reveals that, applicant has categorically mentioned the instances of Domestic Violence

including physical, mental harassment & verbal abuse by respondent. Further, copy of complaint made to Police also *prima facie* support her contentions.

7. It is pertinent to note that, applicant No. 1 & respondent got married on 13/10/2020 and present case is filed on 21/12/2024. Respondent in his say mentioned that, he had treated the applicant cordially. In such scenario, why would a happily married woman, having a minor son, will suddenly leave company of her husband and choose to reside separately, without a reasonable cause is not explained by them.

8. Further, applicant has filed her sworn affidavit in support of her contentions of physical & mental harassment and verbal abuse. The copy of complaint made to Police also *prima facie* supports her case. It is also to be noted that, admittedly applicant No. 1 does not have any income source and respondent did not make any arrangement for the maintenance of applicant No. 1 & her son. Thus, it also amounts to economic abuse.

9. Therefore, in view of the material available on record, it *prima facie* appears that, applicant No. 1 was subjected to domestic violence by respondent. Hence, I am inclined to hold that, applicants *prima facie* proved that applicant No. 1 was subjected to Domestic Violence by respondent. Accordingly, I answer Point No. 2 in the affirmative.

AS TO POINT NO. 3 :

10. Applicants submitted that, applicant No. 1 does not have any income source and she is unable to maintain herself & her son.

Further, respondent No. 1 has agricultural lands and he earns more than Rs. 15 Lakhs per year. Hence, she is claiming monthly maintenance of Rs. 15,000/- per month. On the other hand, respondent contended that, he works as agricultural labour does not have the income as mentioned by applicant.

11. Applicant No. 1 has filed her affidavit (Exh. 16) of disclosure of Assets & Liabilities stating that, she does not have any income source. Further, it is also not the case of respondent that, applicant No. 1 has any income or income source. Thus, it shows that, applicant No. 1 does not have any income or income source and she is unable to maintain herself & her son.

12. On the other hand, respondent in his say (Exh. 14) has mentioned that, he is agricultural labour, but did not state any monthly income. Further, respondent in his affidavit (Exh. 15) of disclosure of Assets & Liabilities also stated that, he does not have any income. However, in the same affidavit he has mentioned that he spends Rs. 9,000/- on household expenses and Rs. 7,000/- on his parents per month.

13. It is pertinent to note that, it is the case of respondent that, he does not have sufficient income source. However, as per his own affidavit (Exh. 15) he spends around Rs. 16,000/- per month. Thus, there appears contradictory stand taken by respondent as to his income. Therefore, on account of the monthly expenses of respondent, it can be gathered that, he has sufficient income source.

14. Further, copy of 7/12 extract filed on record also *prima facie* show that, respondent cultivates agricultural land & earns from

the same. Thus, it shows that, respondent has a fixed & sufficient means of income. Therefore, being husband & father, he is bound to maintain the applicants and thus, applicants are entitled for claiming maintenance from him.

15. Applicants have mentioned that, their monthly expenses are around Rs. 15,000/-. However, they failed to give particulars of the same and thus, it is difficult to gather as to for what purposes they are in need of said amount per month. Further, they also failed to *prima facie* show that respondent has capacity to pay the same.

16. The object of the provisions of D.V. Act providing interim maintenance, is to protect the aggrieved person from starvation and destitute.

17. Therefore, considering the social & economic status of both parties and the necessity of food, clothing & hygiene of applicant & the child, in my view, an interim maintenance amount of Rs. 5,000/- per month towards maintenance of applicant No. 1 and an amount of Rs. 2,000/- per month towards maintenance of applicant No. 2 i.e. the son, would be just, proper & sufficient. Accordingly, I answer point No. 3 in partly affirmative.

AS TO POINT NO. 4 :

18. In view of reasons discussed above and findings arrived, present application is liable to be partly allowed. Further, as applicant does not have any income source, I am also inclined to award appropriate costs of litigation in her favour. Accordingly, to answer point No. 4, I proceed to pass the following order :

ORDER

1. Application is hereby partly allowed.
2. Respondent is hereby restrained from committing any kind of domestic violence against the applicant.
3. Respondent is hereby directed to pay applicant No. 1 a total interim maintenance amount of Rs. 7,000/- per month (i.e. Rs. 5,000/- per month towards maintenance of applicant No. 1 and an amount of Rs. 2,000/- per month towards maintenance of applicant No. 2), from the date of main application till the final disposal of proceedings.
4. Respondent is hereby further directed to pay applicant No. 1 an additional amount of Rs. 1,000/- towards costs of litigation.
5. Copy of this order be given to both parties free of costs.
6. Copy of this order be forwarded to the concerned Protection Officer & Police Station for information.

Place : Wardha.

Dated : 07/10/2025

(Vickrant P. Khandare)
Judicial Magistrate First Class, Wardha.
(Court No. 1)