

CNR No.MHWR060004712019.

ORDER BELOW EXH. 04

(Passed on 29th November, 2021)

1. Applicant has filed present application under Section 12 and prayed for the reliefs provided under Section 18,19,20 & 22 of Protection of the Women From Domestic Violence Act 2005 (herein after referred as “the D.V. Act”) and sought interim relief under section 20 as provided by section 23 of the D.V. Act.

2. It is the submission of the applicant that she is legally wedded wife of the non-applicant No.1 and her marriage was solemnized on 07/05/2014 as per custom at Hinganghat. After marriage the applicant went to cohabit with non-applicant No.1 at Arvi (Choti). It is further alleged by the applicant that after marriage non-applicant treated her nicely for six months thereafter he started harassment and subjected her to physical and mental cruelty on the count of trifle issues. On 07/03/2015 applicant gave birth to male child by name Piyush i.e. applicant No.2. On 11/05/2015 non-applicant No.1 assaulted to the applicant, due to which her blood vain, near the ear became weak. It is further submitted by the applicant that non-applicant No.1 is addict of consuming liquor and playing gambling. After consuming liquor he use to beat her. On 07/08/2018 non-applicant No.1 send applicant to her maternal home.

3. It is submitted by the applicant that she has no independent sources and she is unable to maintain herself and

her son. It is further submitted by the applicant that the non-applicant is having agricultural land, crane machine and Auto and he earns Rs. 10,00,000/- per year. It is alleged by the applicant that non-applicants have committed an act of domestic violence. In spite of demand, non-applicant failed to satisfy needs of applicant and her son. In this backdrop, the present application is filed.

4. Non-applicants have appeared in response to the notice and filed their say below Exh.09. Non-applicants have denied all the adverse allegations levelled against them. Non-applicant No.1 has specifically denied that he harrashed the applicant No.1 mentally and physically. Non-applicants submitted that the applicant has left company of non-applicant No.1 for no reason. According to non-applicants since birth of applicant No.2 till date he is spending money for all his expenses. On 01/12/2015, 12/12/2015 & 15/06/2016 he send notices to the applicant No.1 for cohabitation. She neither replied those notices nor join his company. On these submissions, non-applicant emphasized that the application be rejected.

5. The domestic relations between the applicants and non-applicants are not disputed. The applicant has narrated all the alleged ill-treatment in her application, Exh.1 in detail. Applicant has also filed affidavit in that respect. Being husband of the applicant No.1 and father of son "Piyush" non-applicant was under obligation to maintain them. Unfortunately the non-applicant neglected applicant and son Piyush and this fact

itself amounts economic abuse under the D.V. Act.

6. Now the question arises what should be the quantum of the interim maintenance amount. No documentary evidence is placed on record by the applicant to show that non-applicant is having agricultural land, crush machine and Auto and he earns Rs. 10,00,000/- per year. No documentary evidence is placed on record by the applicant No.1 to show that non-applicant No.1 is having agricultural land, crush machine and Auto. Considering above discussion in my opinion the monetary relief of Rs. 2,500/- to the applicant will be sufficient for the applicant to meet her and her daughter's daily needs and the necessary expenses. Hence the following order.

ORDER

1. The application is partly allowed.
2. The non-applicant shall pay Rs.2,500/- per month to the applicant No.1 from the date of application till disposal of main application towards interim maintenance as per Section 20(3) of the Protection of Women From Domestic Violence Act, 2005.
3. The copy of order be furnished free of costs to the parties.

Pronounced in the open court.

Sd/-

Hinganghat
Dt. 29/11/2021.

(Ku. R. V. Dafrey)
Jt. Civil Judge (Jr.Dn.)
Hinganghat.

Certified that PDF copy of judgment supra is word-to-word identical to the original judgment.

Name of Steno	:	Prashant N. Shete
Dictated on	:	29/11/2021.
Checked on	:	29/11/2021.
Signed on	:	29/11/2021.
Uploaded on	:	29/11/2021.