

ORDER BELOW EXH. 04-A

1) This is an application for interim relief as provided under Section 23 of Protection of women from Domestic Violence Act. Heard learned Advocate for both parties.

2) Applicant submits that, she is legally wedded wife of non-applicant and their marital tie is still in existence. Applicant submits that, non-applicant used to cause ill-treatment and harassment on numerous occasions. Not only that, he also causes ill-treatment to applicant on the suspicion that applicant is suffering from the sickle cell disease and on 01/05/2023 he left applicant at her paternal house and assured applicant that he will come again to take her at her matrimonial house, but since then non applicant has not contacted applicant and left her at her parental house at Mandgaon. Non-applicant has not made any provisions of maintenance for applicant. Hence, applicant prayed that application be allowed and till the decision of application, interim maintenance kindly be awarded.

3) Non-applicant denied the allegations leveled by applicant in to-to. On the contrary, non-applicant came with rival allegations against the applicant. He submitted that, he is and always ready to cohabit with applicant and it is the applicant who does not intend to maintain the marital tie. Non-applicant further submits that, he has responsibility of his old-aged parents. He has no fixed source of income. Hence, prayed that application kindly be rejected.

4) Perused the application, say filed and document produced on record. Heard Ld. counsel for both the sides. Following points arise for my determination, findings to which with reasons are discussed here under,

<u>Sr.No.</u>	<u>POINTS</u>	<u>FINDINGS</u>
1	Does applicant is entitled for interim maintenance as prayed? If yes, to what extent?	Yes. To the extent of Rs.2,000/-per month.
2	What order?	Application is partly allowed.

REASONS

5) First and foremost, it is just and necessary to mention here that the relationship is admitted between the parties. On perusal of the application and affidavit as well as the defence of non-applicant prima-facie it seen that, both the parties are coming with rival allegations against each other's. However, such are subject to leading of evidence. It is admitted position on record that, applicant and non-applicant are living separately. Furthermore, the contents of application and affidavit prima-facie transpires that, non-applicant has not made any provisions of maintenance of applicant. No doubt, non-applicant being the husband of applicant is duty bound to maintain her. Therefore, at this moment prima-facie it seen that, non-applicant has neglected the applicant.

6) It is further Prima facie transpired that applicant was subjected to domestic violence therefore as per the mandate of the

Act, as well as keeping in mind the great object of statute at this moment it is just and necessary to protect the interest of applicant.

7) Admittedly, applicant was subjected to domestic violence, both parties are living separately from each other and there is nothing on record to prima facie show that non-applicant has made any provision for maintenance of applicant. Therefore, applicant is certainly entitled for interim maintenance.

8) As far as amount of interim maintenance is concern, applicant is demanding twenty thousand rupees per month from the non-applicant. To support her contention, she has not produced any document to ascertain the prima-facie income of non-applicant. On the contrary, non-applicant submitted that, he is a sole earning member of family having responsibility of old aged parents and thereby submitted that he is not able to pay the maintenance. No doubt, non-applicant is duty bound to pay maintenance. Admittedly, at this stage there is no evidence on record to prima-facie ascertain the income of non-applicant. However, taking into consideration the needs of woman and responsibility upon non-applicant, to my mind rupees two thousand to applicant would just and sufficient to meet both the ends of justice. Accordingly, I answer point no.1 in partly affirmative and for point no.2, I pass following order.

ORDER

1. Application is partly allowed.
2. Non-applicant is directed to pay Rs. 2,000/- (Rupees

two thousand) per month to applicant from the date of application i. e. on 22/06/2023.

3. Copy of order be supplied to both the parties free of costs.

Date : 11/07/2024.

(V. H. Deshmukh)
Judicial Magistrate First Class,
(Court No. 1), Hinganghat.

CERTIFICATE

I affirm that, the contents of this PDF are same words for words, as per the original order.

(S. M. Puri)
Stenographer Grade III