

**ORDER BELOW Exh.05 IN P.W.D.V.A. No.08/2025**

- 01.** Applicant is claiming, in the main application, various reliefs u/s. 18, 19, 20 & 22 of the Protection of Women from Domestic Violence Act, 2005 ('the Act' for short). By the present application applicant has prayed for interim relief in the form of maintenance allowances from the respondent No.01.
- 02.** Respondent No.01 has filed reply and contested the application. He also opposed the prayer for interim maintenance.
- 03.** Read the application and say. Perused documents on record including affidavit of assets and liabilities submitted by applicant.
- 04.** Heard learned advocate for the applicant and learned advocate for respondents.
- 05.** Learned counsel for the applicant has submitted that the relation between parties are not in dispute. The allegations in respect of domestic violence of the applicant at the hands of respondents are prima-facie established. Thus, the applicant is entitled for the relief, as claimed.
- 06.** Learned counsel for the respondents, on the other hand, has submitted that the applicant was not interested to cohabit with the respondent No.01. They have not committed domestic violence against the applicant. Respondent No.01 is ready to cohabit with the applicant. Thus, she is not entitled for the relief, as claimed.
- 07.** Admittedly, applicant is the wife of respondent No.01 and other respondents are father, mother, sister and close relatives of respondent No. 01. Thus, the domestic relationship between the parties has prima-facie made out. It is alleged by the applicant that the respondents have subjected her to domestic violence. She was harassed

and ill-treated for the reason of demand of dowery and for other reasons.

**08.** On the other hand, according to respondents, applicant was not willing to cohabit with the respondent. At her own, she left the matrimonial house. Thus, they prayed for rejection of the application.

**09.** Applicant and respondents are alleging against each other. Applicant alleges that she was ill-treated by the respondents and he denied her cohabitation. According to respondents, applicant herself left the company of respondent No.01. Further, she subjected the respondents to cruelty. Noticeably, the relations between the parties are admitted. In view of contentions and counter contentions of the parties, it is difficult to accept that, without any cause, after marriage any woman would leave the matrimonial home or company of her husband. Thus, the contentions about domestic violence appears prima-facie acceptable.

**10.** According to applicant, respondent No.01 is agriculturist and he is getting monthly income of Rs.50,000/-. The applicant has filed her affidavit of assets and liabilities. It reflects that she has no source of income and she is unable to maintain herself. Though it is contended by the respondents that, applicant is working with the private hospital and earning monthly income of Rs. 8,000/- to Rs 10,000/-. Though it is so, they have not given details of the hospital with whom she is working as contended by them. On the contrary, in her assets and liabilities, it is shown that, applicant is educated upto 8<sup>th</sup> standards. In such circumstances, it is highly difficult to accept that, applicant is working in the private hospital.

**11.** Further, the applicant has also not produced on record 7/12 extract to shown the income of respondent No. 01. In such circumstance, it cannot be accepted that, the respondent No. 01 getting income of Rs.

50,000/- per month from the agricultural property.

**12.** In view of provisions of Section 20 of the Act, the woman subjected to domestic violence is entitled for monetary reliefs. Monetary relief can be granted as interim measure under section 23 of the Act. It is the duty of respondent No.01 to maintain his wife. The father of the respondent No. 01 i.e. respondent No. 02 Suresh Gulabrao Chavan is reported to be dead. The respondent No. 03 is the mother of respondent No. 01. Respondent No. 04 is the married sister of respondent No. 01. Thus, respondent No. 03 is also depend upon the respondent No. 01.

**13.** Respondent No. 01 has not filed his affidavit of assets and liabilities. In his reply also he has not stated his income. However, in the present application his age is shown as 40 years. He is able bodied person. At present, the able bodied person can earn much amount even from the labour work. Considering the liabilities of the respondent No.01 and his income, he is able to maintain the applicant i.e. wife. As per the contentions raised in the application, since 23/08/2024, applicant is residing separately from the respondent No.01. But it is the prime responsibility of respondent No.01 to maintain his wife. Considering the basic needs, the rising prices and the earning capacity of respondent No.01, this court finds an amount of Rs.2,000/-p.m. towards the interim maintenance to the applicant. In the circumstances, I pass following order:-

### **ORDER**

01. Application is hereby partly-allowed.
02. As per Sec.23 r.w. Sec.20 of the PWDV Act, respondent No.01 is directed to pay Rs.2,000/- (Two Thousand Rupees) per month to the applicant towards interim maintenance allowances from the

date of filing of main application till the decision of main application.

03. In view of section 28 of the Act, it is directed that the amount so falling due till today shall be paid within next three months. Notwithstanding such direction, amount of monthly allowances of maintenance henceforth shall be paid and continued to be paid in each month till further orders.
04. In view of section 28 (1) of the Act, it is further directed that the parties shall conduct the matter without delay. They shall adduce evidence and take other necessary steps. Else, necessary further orders would be passed in the matter.

Date- 07/04/2026

(Subhash D. Tare )  
Judicial Magistrate F.C.,  
(2<sup>nd</sup> Court) Mangrulpir.

**CERTIFICATE**

I affirm that the contents of this P.D.F file Judgment/ Order are same word to word as per the original order.

Name of Court :- 2<sup>nd</sup> Jt. Civil Judge (Jr.Dn.) and J.M.F.C.,  
Mangrulpir, Dist. Washim.

Presiding Officer :- Subhash D. Tare

Judgment uploaded by :- R. T. Sharma (Junior Clerk)

Date of Judgment :- 07.04.2026

Judgment/Order signed :- 07.04.2026  
by the presiding officer  
on

Judgment/Order :- 07.04.2026  
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