

CNR No.MHWS040006352021

**ORDER BELOW Exh.01-A IN Cri. M. A. No.100/2021**

1. The applicant is claiming, in the main application, maintenance under section 125 of the Code of Criminal Procedure. By the present application she has prayed for interim maintenance of Rs. 7000/- per month from the non-applicant.

2. Non-applicant has filed reply and contested the application. He has also opposed the prayer for interim maintenance.

3. Read the applications and say. Perused documents on record including affidavit of assets and liabilities submitted by both parties. Heard learned advocate for the applicant and non-applicant parte in person.

4. Admittedly, applicant is the wife of non-applicant. It is also not in dispute that from July-2018 applicant is residing separately from the non-applicant. It is alleged by the applicant that the non-applicant have subjected her to cruelty. She was harassed and ill-treated for the demand of dowry and for satisfying his illegal demands. On the other hand, according to non-applicant, applicant was not willing to cohabit with him. At her own, she left the matrimonial house. Thus, he prayed for rejection of the application.

5. Applicant and non-applicant are alleging against each other. 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 cruelty appears prima-facie acceptable.

6. According to applicant, the non-applicant is getting Rs.4,00,000/- per annum from the agricultural property situated at Shelgaon. He is also earning Rs. 15000/- per month from computer and T.V. repairing and from other work. According to non-applicant, he has hardly earning the amount for their daily needs. He is no source of income has contended by the applicant.

7. Though it is contended that the non-applicant is getting income of Rs. 4,00,000/- per annum from the agricultural land, however any document to that extent is not filed on record by the applicant. Even the Gat No. of the land is not stated either in the application or in the assets and liabilities filed by the applicant. Therefore, mere averments in the application that non-applicant is getting income of Rs. 4,00,000/- per annum from the agricultural land can not be accepted.

8. On the contrary the non-applicant in his assets and liability stated his education as HSC, DMLT. He specifically stated that is unemployed. It is also important to note that in his assets and liabilities, the non-applicant clearly stated that in the proceeding filed under section 24 of Hindu Marriage Act, an amount of Rs.2500/- per month was granted as interim maintenance to the applicant. The said fact is not disclose by the applicant either in the application or in her affidavit of assets and liability. Even at the latter stage of proceeding, the applicant did not

disclose the said fact. Thus it appears that the applicant has not come before the court with clean hands.

9. The non-applicant has also produced on record the copy income certificate of the year 2020-21 issued by Tahsildar Mangrulpir. It shows that, the non-applicant is getting yearly income of Rs.24000/-. Admittedly the mother of the non-applicant is depend upon him. As an amount of Rs. 2500/- per month is already granted as interim measure, the applicant is not entitled for claiming further amount in absence of the strict proof of income of non-applicant and without disclosing material facts. In the circumstances, I pass following order:-

**ORDER**

Application is rejected.

Date- 02/05/2026

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

**Cri. M. A. No.100/2021. Order below Exh.01-A**

**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/order uploaded by                        | :- | S. S. Rathod (Jr. Clerk)                                                         |
| Date of Judgment/Order                            | :- | 02.05.2026                                                                       |
| Judgment/Order signed by the presiding officer on | :- | 02.05.2026                                                                       |
| Judgment/Order uploaded on                        | :- | 02.05.2026                                                                       |