

ORDER BELOW Exh.04 IN P.W.D.VA. No.19/2021

1. The applicant is claiming, in the main application, various reliefs u/s. 18, 19, 20 and 22 of the Protection of Women from Domestic Violence Act, 2005 ('the Act' for short). By the present application she has prayed for interim relief in the form of maintenance allowances.
2. Respondent No.01 to 05 have filed reply and contested the application. They have 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 applicant and respondent No.01. Heard learned advocate for the applicant and learned advocate for respondents.
4. 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.
5. 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.
6. Admittedly, applicant is the wife of respondent No.01 Ashok. 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 dowry and for other reasons.

7. On the other hand, according to respondents, applicant was not willing to cohabit with the respondents. She has obtained the faith of respondent No. 1 and taken the Rs. 6,00,000/- from him in the name of her maternal relatives. Further, she ran away from the house after taking 7 Tola gold and house hold articles of Rs. 1,50,000/-. It is further alleged that, applicant used to send obscene photos on Whats app. Thus, they prayed for rejection of the application.

8. 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.

9. According to applicant, respondent No.01 is electrician and getting monthly income of Rs. 25,000/-. It is further contention of the applicant that respondents are getting income of Rs.2,00,000/- from agricultural property. 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 getting income, but they have not stated source of income of the applicant. Therefore, at this stage there is no reasons to discard the contention of applicant.

10. The respondent No.01 also filed affidavit of his assets and liabilities (Exh.11). In his reply he denied that, he is getting income as contended by the applicant. In his affidavit of assets and liability, he shown his income of Rs. 5,000/- per month. The applicant has not produced on record any of the document to show that respondent No. 1 is electrician or he has completed any of the course regarding that. The applicant has produced on record 7/12 extract of land Gut No. 187/8 and land Gut No. 118/1. It goes to shows that, there is non agricultural plot admeasuring 1.85.62 R in the name of respondent No. 1 in land Gut No. 187/8. It also reflects that, there is one plot each in the name of respondent No. 2 & 3 in land Gut No. 118/1. Applicant has not produced on record 7/12 extracts in respect of agricultural property in the name of respondent No. 01 or his family member.

11. Though the applicant has failed to produce on record documents pertaining to property of the respondent No. 1. But, respondent No. 1 is able bodied person. In the present scenario the able bodied person can earn much income even from the labour work.

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 respondent No.02 is the father and respondent No. 03 is the mother of the respondent No.01. Respondent No.04 is the brother and respondent No. 05 is married sister of respondent No.01. Admittedly, respondent No. 04 & 05 are not depend upon respondent No. 01. However, he has also responsibility to maintain his father and mother.

13. 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 18/03/2020, 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

1. Application at Exh.04 is hereby partly-allowed.
2. As per Sec.23 r.w. Sec.20 of the PWDV Act, respondent No.01 is directed to pay Rs 2,000/- (Two Thousand) per month to the applicant towards interim maintenance allowances from the date of filing of main application till the decision of main application.
3. 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.

4. 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- 06/11/2025

Sd-
(Subhash D. Tare)
Judicial Magistrate F.C.,
(2nd 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 nd 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	:-	06.11.2025
Judgment/Order signed by the presiding officer on	:-	06.11.2025
Judgment/Order uploaded on	:-	06.11.2025