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Decided on : 01/06/2026
Duration : 03 Y 08 M 25 D

**IN THE COURT OF THE JUDICIAL MAGISTRATE FIRST CLASS,
MANGRULPIR, TAL. MANGRULPIR, DIST. WASHIM**

(Presided over by Shri. K. C. Kalal)

P.W.D.VA. No.39/2022

Exh. No.15

- 1) Sau. Trupti Paresh Deshmukh,
Age- 38 years, Occu- Household,
- 2) Navya Paresh Deshmukh,
Age- 07 years, Occu- Education,
R/o. Kawthal,
Tal. Mangrulpir, Dist. Washim

...Applicants

-Versus-

- 1) Paresh Panjabrao Deshmukh,
Age - 43 years, Occu. - Agri,
- 2) Panjabrao Ajabrao Deshmukh (Dead),
Age - 80 years, Occu. - Agri,
- 3) Hemlata Panjabrao Deshmukh,
Age - 70 years, Occu. - Household,
- 4) Sachin Panjabrao Deshmukh,
Age - 38 years, Occu. - Agri,
- 5) Priti Sachin Deshmukh,
Age - 35 years, Occu. - Household,

All R/o Kumbephal, Post – Bhalegaon (Bajar)

Tal. Khamgaon, Dist. Buldhana

...Non-applicants

Appearances :-

Advocate for applicants :- Shri. S. G. Bakhade
Advocate for non-applicant nos. 1, 3 to 5:- Shri. S. S. Dengale

JUDGMENT

1. This is an application filed by applicants under Section 12 of the Protection of Women from Domestic Violence Act, 2005 seeking reliefs under Sections 17, 18, 19, 20 and 22 of the said Act. Applicant No.2 Ku. Navya Paresh Deshmukh is minor daughter of applicant No.1 and non-applicant No.1.

2. Non-applicant No.1 Paresh Punjabrao Deshmukh is husband of applicant No.1. Non-applicant No.2 Punjabrao Ajabrao Deshmukh was father-in-law of applicant No.1 and he died during pendency. Non-applicant No.3 Hemlata Punjabrao Deshmukh is mother-in-law, non-applicant No.4 Sachin Punjabrao Deshmukh is brother-in-law and non-applicant No.5 Priti Sachin Deshmukh is sister-in-law of applicant No.1.

Brief Facts of the Applicant's Case

3. The applicant No.1 submits that her marriage with non-applicant No.1 was solemnized on 18.02.2011 at Shetkari Niwas, Karanja Lad, Tal. Karanja (Lad), District Washim. After marriage, she went to reside with non-applicant No.1 in his joint family. Out of the said wedlock, applicant No.2, namely Ku. Navya Paresh Deshmukh, was born on 04.10.2016.

4. It is the case of applicant No.1 that after marriage, non-applicant No.1 and his family members subjected her to continuous

physical, mental, verbal and economic harassment. According to her, non-applicant No.1 used to consume liquor, abuse her in filthy language and assault her. She was also allegedly harassed for bringing less articles in marriage and was humiliated by calling her insulting names.

5. It is further alleged that the non-applicants did not allow her to freely contact her parental family and used to ill-treat her in the matrimonial house. According to applicant No.1, during pregnancy also she was not treated properly and she was subjected to cruelty and neglect.

6. Applicant No.1 further contends that on 22.04.2022, non-applicant No.1 assaulted her by kicks and fists and drove her and applicant No.2 out of the matrimonial house. Since then, both applicants are residing at the parental house of applicant No.1.

7. It is also alleged that on 05.05.2022, the non-applicants came to her parental house, abused and threatened her and attempted to forcibly take away applicant No.2. Therefore, applicant No.1 lodged complaint with Police Station, Mangrulpir. Thereafter, FIR came to be registered on 29.07.2022 against the non-applicants for offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code.

8. According to applicant No.1, non-applicant No.1 is an agriculturist and earns about Rs.30,000/- per month, but he has neglected and refused to maintain the applicants. Therefore, the applicants have sought protection order, residence order, monetary relief, compensation and other necessary reliefs under Sections 17, 18,

19, 20, 22 and 23 of the Protection of Women from Domestic Violence Act, 2005.

Defence of Non-Applicant Nos.1, 3 to 5 in Nutshell

9. Non-applicant Nos.1, 3 to 5 contested the application by filing their written say at Exh.09. They admitted that the marriage of applicant No.1 with non-applicant No.1 was solemnized on 18.02.2011 at Shetkari Niwas, Karanja Lad. They also admitted that after marriage applicant No.1 came to reside with non-applicant No.1 and that applicant No.2 Navya was born on 04.10.2016 out of the said wedlock.

10. According to the non-applicants, applicant No.1 was treated properly in the matrimonial house and she resided happily with non-applicant No.1 for about five to six years. They denied the allegations of cruelty, dowry demand, physical assault, mental harassment and domestic violence.

11. It is their case that applicant No.1 had medical difficulties regarding pregnancy and non-applicant No.1 provided her medical treatment. They denied the allegation of forced abortion and contended that the child had died in womb due to medical reasons and necessary treatment was given.

12. The non-applicants further contended that applicant No.1 voluntarily went to her parental house on 01.12.2020 for attending the marriage of her brother and thereafter did not return to the matrimonial house. According to them, non-applicant No.1 and his family members made efforts to bring her back, but applicant No.1 and her parents refused.

13. It is further contended that non-applicant No.1 issued notice dated 14.06.2022 calling upon applicant No.1 to resume cohabitation. Non-applicant No.1 also filed proceedings for restitution of conjugal rights before the Civil Court at Khamgaon, wherein an ex-parte order was passed against applicant No.1.

14. The non-applicants alleged that applicant No.1 is residing separately without sufficient reason and has filed false cases only to harass them. They further contended that applicant No.1 is earning by doing tailoring work and beauty parlour work and therefore she is not entitled to maintenance.

15. According to them, non-applicant No.1 has only 1 Hectare 48 R. agricultural land and due to separation and household responsibilities, his agricultural income is not sufficient. Therefore, they denied liability to pay the amount claimed by the applicants. Thus, the non-applicants submitted that the application is false, baseless and filed with revengeful intention, and hence prayed for its dismissal.

16. Heard, advocate S. G. Bakhade for applicants and advocate S. S. Dhengale for non-applicant Nos.1, 3 to 5. On the basis of aforesaid pleadings, following points do arise for my consideration. The finding against each point is recorded along with reasons for the same as below :

Sr. No.	Points	Findings
1	Whether applicant No.1 proves that she was subjected to domestic violence by non-applicant Nos.1, 3 to 5?	Partly in the affirmative

Sr. No.	Points	Findings
2	Whether applicants are entitled to protection order under Section 18 of the Act?	In the affirmative
3	Whether applicants are entitled to residence order under Section 19 of the Act?	In the affirmative
4	Whether applicants are entitled to monetary relief under Section 20 of the Act?	Partly in the affirmative
5	Whether applicant No.1 is entitled to compensation under Section 22 of the Act?	Partly in the affirmative
6	What order?	As per final order

REASONS

AS TO POINT NO. 01 :

17. Applicant No.1 entered into witness box and filed her affidavit-in-evidence at Exh.12. Her evidence is substantially in consonance with her application. She has deposed that after marriage she was subjected to harassment, abuse and assault by non-applicant No.1 and other family members. She has further deposed that on 22.04.2022 she was beaten and driven out from matrimonial house along with her minor daughter.

18. The relationship between parties is not disputed. Marriage dated 18.02.2011 and birth of applicant No.2 on 04.10.2016 are admitted. Therefore, domestic relationship between applicant No.1 and non-applicant No.1 is clearly proved.

19. Applicant No.1 has produced notice dated 09.05.2022 at Article-A and copy of FIR No.618/2022 dated 29.07.2022 registered at Police Station Mangrulpir at Article-B. The said FIR is registered against non-applicants for offences punishable under Sections 498-A,

323, 504, 506 read with Section 34 of I.P.C. Though registration of FIR by itself is not conclusive proof, it is a relevant circumstance showing that applicant No.1 had immediately approached police authority regarding alleged cruelty and harassment.

20. In cross-examination, applicant No.1 admitted that she cannot state exact date when non-applicant No.1 first came home after consuming liquor at the instance of non-applicant Nos.2 and 3. She also admitted that she cannot state exact date of conspiracy allegedly made by non-applicants. However, inability to state exact dates of each incident does not demolish her entire evidence, particularly when the allegations are of continuous domestic harassment within matrimonial house.

21. In proceedings under the Domestic Violence Act, strict proof as required in criminal trial is not necessary. The Court has to consider whether domestic violence is proved on preponderance of probabilities.

22. Non-applicant No.1 examined himself by filing affidavit at Exh.14. He denied the allegations and reiterated his written say. However, his evidence mainly consists of denial and counter allegations that applicant No.1 voluntarily stayed at her parental house. He has not brought sufficient independent material to show that applicant No.1 left the matrimonial house without any reason.

23. It is also admitted in cross-examination of applicant No.1 that non-applicant No.1 received 1 Hectare 48 R. land in partition. Thus, non-applicant No.1 has some source of livelihood. The defence that he is unable to maintain applicants is not acceptable in entirety.

24. So far as serious allegation regarding forcible abortion/miscarriage is concerned, applicant No.1 has not produced medical papers or examined any medical officer to prove that miscarriage was caused by administration of medicine by non-applicants. Hence, that specific allegation is not independently proved.

25. Similarly, allegations regarding ornaments worth Rs.75,000/- are not supported by detailed list, receipt or independent evidence. Therefore, specific relief regarding return or value of ornaments cannot be granted merely on oral assertion.

26. However, considering the evidence of applicant No.1, FIR, admitted separate residence since 2022, and absence of sufficient rebuttal, it is probable that applicant No.1 was subjected to physical, verbal, emotional and economic abuse at least by non-applicant No.1. The role of non-applicant Nos.3 to 5 is general in nature, but considering the nature of domestic relationship and allegations of verbal and mental harassment, protection order can be issued against them also to prevent future harassment. Hence, Point No.1 is answered partly in the affirmative.

AS TO POINT NO. 02 :

27. Since domestic violence is proved, applicant No.1 is entitled to protection under Section 18 of the Act. Applicants are residing separately at parental house. There are allegations of threats and attempt to take away minor daughter. Therefore, it is necessary to restrain non-applicants from committing domestic violence, contacting applicants in threatening manner, entering parental house of applicant No.1 and disturbing peaceful residence of applicants. Hence, Point No.2 is answered in the affirmative.

AS TO POINT NO. 03 :

28. Applicant No.1 is legally wedded wife of non-applicant No.1. She has right to reside in shared household under Section 17 of the Act. However, considering strained relations between parties and to avoid further conflict, it would be proper to direct non-applicant No.1 to provide alternate suitable accommodation or to pay monthly rent. Hence, applicants are entitled to residence order under Section 19 of the Act. Hence, point No.3 is answered in the affirmative.

AS TO POINT NO. 04 :

29. Applicant No.1 has claimed Rs.20,000/- per month. She has stated that non-applicant No.1 is agriculturist and earns Rs.30,000/- per month. Non-applicant No.1 denied such income, but it is admitted that 1 Hectare 48 R. agricultural land came to his share.

30. Applicant No.1 has filed affidavit of assets and liabilities at Exh.11. It shows that applicant No.2 is minor daughter and is taking education. Non-applicant No.1 being father is under legal and moral obligation to maintain minor daughter. He is also bound to maintain his wife, particularly when domestic violence is proved and she is residing separately for sufficient cause.

31. Non-applicants alleged that applicant No.1 earns from tailoring and beauty parlour work. However, no cogent evidence of regular and sufficient income is produced. Even if applicant No.1 has some small earning, that by itself cannot absolve non-applicant No.1 from his obligation to maintain wife and minor daughter.

32. Considering income capacity of non-applicant No.1, needs of applicants, education of minor daughter, price rise and status of

parties, monthly monetary relief of Rs.8,000/- appears just and proper. Out of it, Rs.5,000/- shall be for applicant No.1 and Rs.3,000/- shall be for applicant No.2.

33. In addition, Rs.3,000/- per month towards rent/alternate residence would be proper, if separate accommodation is not provided. Hence, Point No.04 is answered partly in the affirmative.

AS TO POINT NO. 05 :

34. Applicant No.1 has claimed compensation of Rs.1,00,000/- for mental and physical harassment. As discussed above, domestic violence is proved on preponderance of probabilities. However, all serious allegations are not proved by independent evidence. Therefore, full compensation as claimed cannot be granted. Considering the nature of harassment, separate residence of applicant No.1 since 22.04.2022, mental agony and litigation faced by her, compensation of Rs.25,000/- would be just and reasonable. Hence, Point No.5 is answered partly in the affirmative.

AS TO POINT NO.06 :

35. In view of above discussions and findings recorded below point Nos.01 to 05. Hence, I proceed to pass following order.

ORDER

- 1 The application filed by applicants under Section 12 of the Protection of Women from Domestic Violence Act, 2005 is hereby partly allowed.
- 2 The application against non-applicant No.2 Punjabrao Ajabrao Deshmukh stands abated, as he is reported dead.

- 3 Non-applicant Nos.1, 3, 4 and 5 are hereby restrained from committing any act of domestic violence against applicant Nos.1 and 2.
- 4 Non-applicant Nos.1, 3, 4 and 5 are restrained from abusing, threatening, contacting in threatening manner or causing any physical, mental, verbal or emotional harassment to the applicants.
- 5 Non-applicant Nos.1, 3, 4 and 5 are restrained from entering the parental house of applicant No.1 and from disturbing peaceful residence of applicants.
- 6 Non-applicant No.1 shall provide suitable separate accommodation to applicant Nos.1 and 2. In default, non-applicant No.1 shall pay Rs.3,000/- per month towards rent to applicant No.1.
- 7 Non-applicant No.1 shall pay monetary relief of Rs.8,000/- per month to applicants, i.e. Rs.5,000/- per month to applicant No.1 and Rs.3,000/- per month to applicant No.2, from the date of application till further order.
- 8 Non-applicant No.1 shall pay compensation of Rs.25,000/- to applicant No.1 under Section 22 of the Act.
- 9 Arrears of monetary relief shall be paid within three months from the date of this order.

- 10 Claim regarding return of ornaments and separate medical expenses is rejected for want of sufficient proof.
- 11 Parties shall bear their own costs.
- 12 Copy of this order be supplied free of cost to both parties as per law.

Pronounced in open Court.

Date : 01/06/2026

(Khwaja C. Kalal)
Judicial Magistrate First Class, Mangrulpir,
Tal. Mangrulpir, District Washim.

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	:-	Jt. Civil Judge (Jr.Dn.) and J.M.F.C., Mangrulpir, Dist. Washim.
Presiding Officer	:-	Khwaja C. Kalal
Judgment uploaded by	:-	Shri. S. S. Rathod (Jr. Clerk)
Date of Judgment	:-	01/06/2026
Judgment/Order signed by the presiding officer on	:-	01/06/2026
Judgment/Order uploaded on	:-	01/06/2026