

MHWS050004652025



Presented on : 05/08/2025

Registered on : 05/08/2025

Decided on : 24/03/2026

Duration : 00Y. 07 M.19 D.

IN THE COURT OF 2nd JOINT CIVIL JUDGE JUNIOR DIVISION
AT MANGRULPIR, DIST. WASHIM.

(Presided over by Subhash D. Tare)

Regular Civil Suit No. 92/2015

Exh. 22

Simran Parveen Shaikh Imam,
Age- 23 years, Occu- Housework,
At present C/o Shaikh Nazim,
R/o Shelubazar,
Tq- Mangrulpir, Dist- Washim.

.....Plaintiff

V e r s u s

Shaikh Imam Shaikh Hasan,
Age- 30 years, Occu. –Contractor,
R/o Amdapur,
Tq- Chikhali, Dist- Buldhana.

.....Defendant

Claim :- Suit for Dissolution of Marriage Under Section 2 of Dissolution of Marriage of Muslim Marriage Act, 1939.

Appearance:-

Learned counsel Shri. Abdul Hakim for plaintiff.

Ex-parte against defendant.

J U D G M E N T

(Delivered on 24th March 2026)

01. This is a suit for dissolution of marriage under section 2 of Dissolution of Muslim Marriage Act 1939.

02. It is the case of plaintiff that, defendant is her husband. Their marriage was solemnized on 21/03/2021 at village Shelubazar, Tq- Mangrulpir, Dist- Washim as per Muslim rites and rituals. After the marriage she went for cohabitation at the house of defendant. For initial eight days of the marriage, she was treated properly by the defendant. Thereafter, defendant and his family members started ill-treating to her. Defendant on the instigation of his family members used to tease her on account of dowry. They used to demand dowry and for that count they used to physical and mental torture to her. In the month of Ramzan of the year 2021, she was ill. At that time, wife of the brother of the defendant beaten her and threatened that she will be killed. Again on 07/06/2021, defendant beaten to her and drove her out of the house. On 08/06/2021, defendant and his brother came at her parental house and threatened to her parents that not to send her for cohabitation without money, otherwise she will be killed. Therefore, on 09/06/2021 plaintiff lodged the report of incident with police station Mangrulpir and on the basis of report crime No. 1023/2021 came to registered for the offence punishable under section 498-A, 323, 504, 506 r/w section 34 of I.P.C. against the defendant and his family members. Defendant refused and neglected to maintain her. She have also filed application bearing No. Misc. Cri. Appln. No. 172/2023 and P.W.D.V.A. No. 26/2023. Both these applications have been decided and Court came to the conclusion that, defendant neglected and refused to maintain the applicant without sufficient cause. Even after passing of the order for granting maintenance, defendant did not pay the amount till date. Therefore, plaintiff constrained to file the present suit.

03. In spite of service of summons, defendant failed to appear in the suit. Hence as per order dated 03/01/2026 below Exh- 01, suit was proceeded Ex-parte against defendant.

04. In support of her case, the plaintiff examined herself at Exh-07. Plaintiff also filed affidavit of examination-in-chief of PW-02 Shaikh Salim Shaikh Rashid (Exh- 08) and PW-03 Shabanabi Shaikh Nazim (Exh-20). Plaintiff also relied on the copy of the application bearing No. Cri.Misc.Appln. No. 172/2023 (Exh- 13), copy of the judgment passed in Criminal Misc. Appln. No. 172/2023 (Exh-14), copy of the P.W.D.V.A. No. 26/2023 (Exh- 15), copy of the judgment passed in P.W.D.V.A. No. 26/2023 (Exh-16), copy of the Cri. Misc.Appln. No. 97/2024 filed for recovery of maintenance amount (Exh-17) and copy of Cri.Mis.Appln. No. 99/2024 (Exh-18), copy of the first information report in crime No. 1023/2021. Plaintiff closed her evidence by filing pursis at Exh- 21.

05. Heard Learned Advocate Shri. Abdul Hakim for the plaintiff.

06. On perusal of record and hearing Learned Advocate for plaintiff, following points arises for determination, finding thereon are recorded for reasons to follow.

Sr. No.	Points	Findings
1.	Does plaintiff prove that defendant treats her with cruelty ?	Yes
2.	Does plaintiff is entitled for the decree of dissolution of marriage as prayed ?	Yes.
3.	What order and decree?	Suit is decreed.

REASONS

As To Point No. 01 And 02 :-

07. According to the plaintiff that, after initial period of the marriage defendant started beating to her on account of demand of dowry.

PW-01 (plaintiff) deposed that, defendant used to tease her that, she is not seen good. Defendant and his family members used to beat her for their illegal demand. In the month of Ramzan of the year 2021, wife of brother of the defendant beaten her and threatened that she will be killed. She further deposed that, on 07/06/2021, defendant beaten her and drove her out of the house. She specifically deposed that, in spite of the order passed by the Court, defendant failed to comply the order and failed to pay the maintenance amount granted by the Court. PW-02 and PW-03 are also deposed to the same extent.

08. On perusal of the copy of judgment passed in Misc. Cri. Appln. No. 172/2023 and P.W.D.VA. No. 26/2023, it appears that, the Court has come to the conclusion that, defendant neglected and refused to maintain the plaintiff without any cause. It further appears therefrom that, defendant and his family members caused Domestic Violence against the plaintiff.

09. As the defendant has failed to file written statement, the contentions raised in the plaint are unchallenged. So also, defendant failed to cross-examine the plaintiff and her witnesses, at least to the extent of contentions in the plaint. Thus, the contentions put forth by plaintiff and her witnesses on solemn affirmation are unchallenged. Therefore, it has to be accepted that, defendant used to beaten the plaintiff and also used to demand money / dowry. It has to be further accepted that, defendant driven out to the plaintiff from the house and not ready to cohabit with her.

10. Here it is apposite to note section 2 of Dissolution of Muslim Marriage Act, 1939 -

Section 2- Grounds for decree for dissolution of marriage :-

A woman married under Muslim law shall be entitle to obtain a decree for the dissolution of her marriage on any one or more of the

following grounds, namely: —

- (i) that the whereabouts of the husband have not been known for a period of four years;
- (ii) that the husband has neglected or has failed to provide for her maintenance for a period of two years;
- (iii) that the husband has been sentenced to imprisonment for a period of seven years or upwards;
- (iv) that the husband has failed to perform, without reasonable cause, his marital obligations for a period of three years;
- (v) that the husband was impotent at the time of the marriage and continues to be so;
- (vi) that the husband has been insane for a period of two years or is suffering from a virulent venereal disease;
- (vii) that she, having been given in marriage by her father or other guardian before she attained the age of fifteen years, repudiated the marriage before attaining the age of eighteen years :

Provided that the marriage has not been consummated ;

- (viii) that the husband treats her with cruelty, that is to say, —
 - (a) habitually assaults her or makes her life miserable by cruelty of conduct even if such conduct does not amount to physical ill-treatment, or
 - (b) associates with women of evil repute or leads an infamous life, or
 - (c) attempts to force her to lead an immoral life, or
 - (d) disposes of her property or prevents her exercising her legal rights over it, or
 - (e) obstructs her in the observance of her religious profession or

practice, or

- (f) if he has more wives than one, does not treat her equitably in accordance with the injunctions of the Qoran;
- (ix) on any other ground which is recognised as valid for the dissolution of marriages under muslim law :

Provided that —

- (a) no decree shall be passed on ground (iii) until the sentence has become final;
- (b) a decree passed on ground (i) shall not take effect for a period of six months from the date of such decree, and if the husband appears either in person or through an authorised agent within that period and satisfies the Court that he is prepared to perform his conjugal duties, the Court shall set aside the said decree; and
- (c) before passing a decree on ground (v) the Court shall, on application by the husband, make an order requiring the husband to satisfy the Court within a period of one year from the date of such order that he has ceased to be impotent, and if the husband so satisfies the Court within such period, no decree shall be passed on the said ground.

11. In the present case, ground for divorce due to cruelty, non payment of maintenance allowance, mental and physical assault under section were made out, so decree for divorce can be granted. More so, if the defendant is causing harassment of the plaintiff and neglecting her. The Court cannot compel the plaintiff to cohabit with the defendant. Hence, the claim of plaintiff for Dissolution of Marriage needs to be accepted. Therefore, plaintiff is entitled for dissolution of marriage. Accordingly, point No. 01 & 02 are answered in affirmative.

As to point No. 03 :-

12. In view of the above finding on point No. 01 & 02, plaintiff is entitled for dissolution of marriage with defendant. Considering the nature of the suit, it will be proper and justified to direct both the parties to bear their own costs. In the result following order is passed.

ORDER

01. Suit is decreed.
02. Marriage of plaintiff Simran Parveen Shaikh Imam with defendant Shaikh Imam Shaikh Hasan is hereby dissolved.
03. Parties to bear their own costs.
04. Decree be drawn up accordingly.

Dictated and pronounced in open court.

Date : 24/03/2026

(Subhash D. Tare)
2nd Jt Civil Judge Junior Division,
Mangrulpir, District Washim.

CERTIFICATE

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

Name of Court :- 2nd 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 :- 24.03.2026

Judgment/Order signed by the presiding officer on :- 24.03.2026

Judgment/Order uploaded on :- 25.03.2026