

MHWS070015602023



PWDVA NO. 38/2023

ORDER BELOW EXH- 04

[Passed on 06.04.2026]

This petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short “DV Act”) is filed by the petitioner **Vaishnavi Anant Sawale** for several reliefs. By way of present application at Exh- 04, she has claimed interim maintenance for herself, her minor daughter Anvi.

02. Read the application and say filed by respondents No. 1 to main petition and present application at Exh- 24. Heard Ld. Advocates for both the sides.

03. The petitioner and respondent No. 1 have filed the affidavits disclosing their assets and liabilities, as per directions of Hon'ble Supreme Court in ***Criminal Appeal No. 730/2020, Rajnesh Vs. Neha and Ors., dcided on 04.11.2020.*** The said affidavits are at Exh- 15 and 32 respectively.

04. It is submitted by the Ld. Advocate for petitioner that, relationship between the parties is not matter of dispute. He further submitted that, respondents

demanded dowry of ₹ 10,00,000/- from petitioner and drove away her from home with minor daughter. Since then she is residing at her parents' home with her minor daughter. In spite of several requests by petitioner respondent No. 1 is not ready to cohabit with her. Respondent No. 1 do service as clerk in Civil and Criminal Court, Samudrapur, Dist.- Wardha. From it he earns a good salary of ₹ 40,000/- per month. Except petitioner and daughter nobody is dependent on respondent No. 1. On the other hand, the petitioner is not having any source of income. Thus, he prayed to allow the present application and grant of interim maintenance of ₹ 10,000/- each per month to petitioner and her daughter.

05. On the contrary Ld. Advocate for respondents submitted that, the petitioner never cohabited properly. Since inception she was not ready to reside at Samudrapur. She was asking respondent No. 1 to make his transfer at Karanja(Lad) and to reside there separate from respondent No. 2. But respondent No. 1 refused for it. She used to abuse respondent No. 1. Also there was a continuous interference of parents of petitioner in their marital life. After birth of daughter Anvi on 03.04.2023 petitioner went at her parents' home for rest. Since then she herself is residing there without any just cause. Respondent No. 1 tried to give understanding to her; but she not responded his efforts. After birth of daughter when respondent No. 1 requested petitioner to return at home, that time she

refused to come back with him for cohabitation and she and her parents threatened respondents to rope them in false cases. Therefore, on 21.08.2023 he issued legal notice to her for cohabitation. But instead of to come back for cohabitation she and her parents emphasized to lodge various litigation against respondents. Thus, the petitioner left the house of respondent voluntarily without any just cause. Also the petitioner lodged false report, FIR No. 609/2023, against respondents at Karanja City police station. There is no formal proof of domestic violence by respondents. Respondent No. 1 and his relatives tried to give understanding to her; but she did not respond their efforts and refused to cohabit with respondent No. 1.

06. Further he submitted that, present petition is filed after FIR No. 609/2023. The allegations in the FIR and present petition are same. Initially on 02.07.2023 the petitioner had lodged report against the respondent and his relatives at Karanja city police station. On the basis said report FIR for CR. No. 609/2023 under Sections 498-A, 506 read with 34 of IPC (in short ' the FIR') was registered against the respondent and his relatives. Therefore, the respondent had filed Criminal Application (APL) No. 1518/2023 before the Hon'ble High Court Bombay Bench at Nagpur to quash the FIR. In said Application Hon'ble High Court pleased to quash the FIR. Also the Sections of Dowry Prohibition Act are quashed. All allegation leveled in present petition are same as they were in the FIR.

Therefore, in the aforesaid situation present application is not tenable in the eyes of law and it is liable to be dismissed.

07. His further submission is that, the respondent No. 1 has no income source from service as alleged by the petitioner. After deduction he got in hand ₹ 20,500/- as salary. Except salary he has no other income source. Also, he has responsibility of respondent No. 2. He has to spend **money** for medication of respondent No. 2. On the contrary, petitioner has completed her education upto B. Sc. Also she completed the course of M. L. T. Therefore, she is able to earn suitable for herself.

08. Further he submitted that, petitioner is of belligerent/angry attitude. She herself left the house of respondent voluntarily without any just cause. She misused the provisions of DV Act and provisions of law for women as tools to harass innocent respondents. Therefore, she is not entitled to claim interim maintenance in present petition.

09. I have considered the submissions on record made by the petitioner and respondent No. 1. I have also considered the scope of **Section 23 of the DV Act**. The marital relation between petitioner and respondent No. 1 is not matter of dispute. Admittedly, the child Anvi is issue of petitioner and respondent No. 1. It is also matter of record that, at present petitioner and her daughter are residing with parents of petitioner. From the submissions on record,

there appears some marital discord between the petitioner and respondent No. 1 and relations between them are strained.

10. The object of Section 23 of the DV Act is to provide a speedy interim remedy for the supply of food, clothing and shelter to the aggrieved or deserted wife and children. In this legal backdrop, at this stage of interim application, it would not be proper to go into detail merits of the petition. At present, there is no iota of evidence on record to show that the petitioner earn something suitable for her life. She is legally wedded wife of respondent No. 1. Hence, the respondent No. 1 being the husband of the petitioner and father of Anvi is under legal and moral obligation to maintain them. Thus, considering submissions of petitioner in her petition and affidavit at Exh- 15 she and her daughter are entitled for interim maintenance.

11. Petitioner has claimed ₹ 10,000/ each per month for herself and for daughter as interim maintenance. To decide the quantum of interim maintenance, this Court has to see, today's rising prices of essential commodities, life style and age of the petitioner and her minor daughter and the minimum amount required for their daily livelihood.

12. Further on the other hand, also this Court has to see the financial position of respondent No. 1. The respondent No. 1 is stated that he has no such income from

salary as alleged by petitioner. Petitioner has stated that respondent No. 1 do service in Court as clerk. Also the respondent No. 1 admitted this fact; but he further stated that from salary he receives in hand only ₹ 20,500/ per month. Thus, he appears to be able bodied person, having sufficient means to provide adequate interim maintenance to the petitioner and her daughter.

13. Thus, considering the material on record, the petitioner and her daughter are entitled to interim maintenance. But the amount of interim maintenance has to be fixed in view of above financial position, the affidavits filed by the petitioner and respondent No. 1.

14. Further, it is an admitted position to the parties that, Hon'ble High Court has been pleased to quash the FIR, in CR No. 609/2023 registered with Karanja city police station. Though, it is submitted by Ld. Advocate for the respondent No. 1 that, allegations in the FIR and in present main petition are same and therefore, the application is liable to be dismissed; but it is to be noted that, proceedings under the provisions of DV Act are of quasi-civil nature. It is specially aimed to provide effective protection to women who suffer domestic violence within the family. The purpose of it is social justice. Therefore, at this initial stage, the FIR is quashed is not the only absolute ground to reject present application by jumping to the conclusion that the allegation in it are false and farce. Further, from the above discussed

facts and circumstances of the case it would not be proper to pass any interim order at this stage under Section 18, 19 and 22 of the DV Act for protection, residence and compensation. For it petitioner will have to go for trial.

15. Thus, looking to these facts and circumstances, the amount of ₹ 5,000/- per month to petitioner and the amount of ₹ 4,000/- per month to her daughter as interim maintenance will be sufficient at this stage. Hence, the order.

ORDER

1. The application Exh- 04 is partly allowed.
2. Respondent No. 1 **Anant Arunrao Sawale** shall pay ₹ 5,000/- per month to petitioner and ₹ 4,000/- per month to her daughter as interim maintenance, from the date of presentation of the main petition viz., from 15.07.2023 until further order.
3. Respondent No. 1 is also directed to pay the due amount of interim maintenance within two months from today without fail.
4. Prayer for interim orders for the reliefs under Section 18, 19 and 22 of the DV Act is rejected.
5. Copy of this order be given to the petitioner and respondent No. 1 free of costs.

6. Copy of this order shall also be sent to the concerned Protection Officer and the concerned Police Station for information and necessary action.

(Pronounced in open Court.)

Date : 06.04.2026

(P. D. Deore)
Judicial Magistrate First Class,
(Court No. 2), Karanja (Lad)

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 Steno.	:-	K. A. Paraswai (Stenographer-III)
Court Name	:-	Jt. Civil Judge (Jr.Dn.) and J.M.F.C., Karanja. Dist. Washim.
Dictated on	:-	06/04/2026
Checked on	:-	06/04/2026
Order signed by the presiding officer on	:-	06/04/2026
Order uploaded on	:-	06/04/2026