

MHWS090009402023



ORDER BELOW EXH.5

(Passed on 25/06/2025)

1. The present application is filed under Section 12 to 24 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as ' ***the DV Act*** ') for interim monetary relief in accordance with the principal application. Reply/Say filed by non-applicant at Exh.19. Heard Shri Gawande learned advocate for the applicant. However, the learned advocate the non-applicant did not appear for hearing. In view of the direction of Hon'ble Apex Court in the Case of ***Rajnesh Vs. Neha*** [Criminal Appeal No.730/2020 D.D. 04/11/2020] the applicant filed her affidavit of disclosure of assets and liabilities [Exh.24]. Moreover, the non-applicant did not file such affidavit on record despite given sufficient opportunity. On the basis of material available on record the application is taken for further order. Also perused the record and documents.

2. In short it is the contention of the applicant (hereinafter referred to as the '***Applicant***') that the non-applicant no.1 (hereinafter referred to as the '***Non-Applicant***') is her husband, and other non-applicants are the relatives of her husband. Marriage of the applicant and non-applicant no.1 was solemnized on 02/05/2020 at Mouje-Chikhali (Izara), Tq. Arni, Dist.Yavatmal. She further

submitted that, after marriage she went to her matrimonial house. The non-applicants ill-treated her on every trifle count. Applicant no.2 and 3 are her minor sons. Applicant has narrated several incidents of the domestic violence in her main application at Exh.1. The ill-treatment of the non-applicants forced the applicant to leave her matrimonial house. The non-applicant drove her out of the matrimonial house.

3. It is further contention of the applicant that, since, from that time the applicant is living at the mercy of her parents. She has no source of income. On the contrary, non-applicant no.1 has 6 acres agricultural irrigated land from which he earns income of Rs.10,00,000/- per year. He also doing other works from which earns Rs. 15,000/- per month. Other non-applicants have their separte income. At present the non-applicant is not providing anything towards maintenance to the applicant. With all her submissions, the applicant prayed for interim maintenance pending the main application.

4. The non-applicants resisted the claim of the applicant through their say at Exh.19 and denied all the allegations of the applicant. It is submitted on behalf of the non-applicants that, they did not commit any act of domestic violance against the applicant. It was the applicant who used to fight with the non-applicants. She used to threatened them. According to her, the marriage was performed against her wish. She used to leave her matrimonial house

without any intimation as per her wish. After the birth of applicant no. 2 and 3 she did not change. Her relatives assaulted non-applicant. She has herself left the company of non-applicant and residing at her parents from 31/01/2023. He has also filed a suit for restitution of conjugal right. It is her moral duty to co-habit with the non-applicants. She used to do labour and tailoring work at non-applicants house. She further earns income from the same at her maternal home also. He has responsibility of his old aged father and mother. Therefore, he is not capable to pay the maintenance as claimed. Therefore, with all these submissions the non-applicants prayed for rejection of the application.

5. While deciding the present application it is necessary to ascertain the relationship between the parties. The relations between applicants, non-applicant no.1 and other non-applicants is no where denied by the non-applicants. It is fact on record that the wedlock of both these persons is still in existence. Admittedly, the applicant is residing separately at her parent's house. It further appears from the material available on record that applicant has no source of income. However, the applicant did not file any other document regarding the source of income of the non-applicant as alleged by her in support of her contention. It further appears from the record that, till now no maintenance came to be awarded to the applicant from any other proceeding.

6. In view of the facts and circumstances of the case and also nature of the present application prima-facie case is to be seen.

In view of the above discussion, it appears that applicant is residing separately at a place cited supra. It is the responsibility of the non-applicant no.1 being the husband and father of the applicant no. 2 and 3 to look after the requirements and needs of the applicants. He has not made any arrangement for the residence and livelihood of the applicants. This fact amounts to economic abuse/violence which is a part of Domestic Violence as defined under section 3 explanation (IV) of the D.V. Act.

7. Considering the submissions, arguments and the documents, it appears that the monitory relief can be considered at this stage. However, taking into consideration the nature of dispute, the stage of the matter, submissions made by both the parties, standard of living of both the parties, affidavit of disclosure of her assets and liabilities and other expenses and in absence of documentary evidence regarding the income of non-applicant no.1 Rs.4000/- per month in aggregate appears to be justified towards interim maintenance of the applicants. Moreover, granting of the maintenance from the date of the application would suffice the ends of justice.

8. However, non-applicant no.1 is not permanently incapable to work. Non-applicant No.1 being husband of the applicant and father of applicants no.2 and 3 has a legal and moral duty to look after and take care of their requirements. In view of the above discussion, applicants are partly entitled to the relief as claimed. Hence, considering the facts and circumstances of the case, I am inclined to pass the following order.

ORDER

1. The application is partly allowed.
2. The non-applicant no.1 shall pay in aggregate Rs.4,000/- (Rs. Four thousand only) per month towards interim maintenance to the applicants no. 1 to 3 from the date of the application till further order.
3. Copy of this order be provided free of cost to both the parties.
4. Copy of this order be sent to the concerned Protection Officer and Police Station Officer for information and necessary compliance accordingly.
5. Costs in main cause.
(Dictated and Pronounced in open court)

Date : 25/06/2025

(Ms. T. G. Bansod)
Judicial Magistrate First Class,
(Court no.2), Manora.

CERTIFICATE

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

Name of the Stenographer	-	Smt. R. K. Chavhan (L.G)
Court	-	Jt. CJJD & JMFC, Manora
Date of Judgment/Order	-	25/06/2025
Judgment/Order signed by the Presiding Officer on	-	25/06/2025
Judgment/Order uploaded on	-	26/06/2025