

MHWS100003612023 	ORDER BELOW EXH.07 P.W.D.V.A. NO.11/2023 Nita Siddhodhan Bansod Vs. Siddhodhan Bhimrao Bansod Passed on 02 nd May, 2024
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01. The applicant has filed this application, for grant of interim maintenance of Rs.10,000/- (In word Ten Thousand Rupees only) per month from respondent No.1 till the disposal of the main application.

02. Perused the application and say. The respondents have filed say to the main application at Exh.11 and adopted the say to this application by filling pursis at Exh.12

03. Heard learned Advocate for the applicant and the respondents.

04. I have given thoughtful consideration to the argument advanced by Learned Advocate or the applicant and the respondents.

05. Considering argument advanced from the side of applicant following points arose for my determination and, I record my findings thereon for the reasons stated thereunder :-

Sr.No.	<u>POINTS</u>	FINDINGS
1.	Whether applicant is entitled for interim maintenance ? If yes, what is the quantum ?	Yes. [Rs.2000/- to the applicant and Rs.1000 to her son each perm months]
2.	What order ?	As per final order.

REASONS**AS TO POINT NO.1 :-**

06. The applicant filed main application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 for various reliefs. The respondents have admitted relationship with applicant. At the time of deciding application for interim maintenance, it is not necessary to discuss on merits of the application. The main purpose of granting interim maintenance is to support the person who is unable to maintain themselves during pendency of this application.

07. The Ld. Advocate for the applicant submitted that, it is the responsibility of respondent No.1 to maintain the applicant. Applicant is residing at parental house. She has no source of income. She has the responsibility of her son. Hence, prayed to allow the application. On the contrary, the Ld. Advocate for the respondents submitted that respondent No.1 is ready to cohabit with applicant. He has no source of income. He has the responsibility of his parents. She left the house on her own wish. They have not driven her out. The applicant does not want to live in a matrimonial house. Respondent No.1 is the labourer. Hence, prayed to reject the application. Therefore, she is not entitled for the interim maintenance.

08. Perused the affidavit of assets and liabilities of applicant at Exh. 06 which show that she has no source of income and she has responsibility of her son. The respondent No.1 has filed his affidavit of assets and liabilities at Exh.17.

09. As the relationship is not disputed, it is the bounden duty of respondent No.1 to maintain the applicant and her son. At present applicant is residing at her parental house. Therefore, the respondent No.1 is having responsibility of applicant and her son. *Prima-facie*, it appears that applicants are unable to maintain themselves. At this juncture, *prima-facie* neglect and refusal to maintain are the sufficient grounds to grant interim relief. The object of the act is to protection and welfare of the aggrieved person therefore, I am of the opinion that applicants are entitled for maintenance.

10. In-order to decide the main application more time is required. The applicant must be in a proper condition to proceed with this application. The respondent No.1 is legally as well as morally bound to maintain the applicant being his wife. Application is supported by affidavit. Though there is no document on record about the incident, the applicant is stating the said facts on affidavit. From perusal of the application supported with affidavit *prima-facie* it reveals that, applicant was subjected to the domestic violence at the hands of respondent. At the time of deciding this application it will not just and proper to discuss on merits of the application and income of respondent. Therefore, taking into consideration *prima-facie* income of respondent and basic needs of applicant and standard living of the applicant, it is necessary to provide a reasonable interim maintenance to the applicant. It is nowhere stated by respondents that he has provided financial assistance to the applicant. The son of applicant is two years old. It is the responsibility of the respondent No.1 that he must provide him education and other facilities. Considering all these aspects, I am of

the opinion that, the applicant Nos.1 and her son are entitled for interim maintenance. Applicant is entitled for interim maintenance of Rs.2000/- (Two Thousand only) per month and her minor son is entitled for interim maintenance of Rs.1000/- (One Thousand only) from the respondent No.1. Therefore, I answer point No.1 in affirmative.

AS TO POINT NO.2 :-

11. In view of my affirmative answer as to point No.1 the applicants are entitled for interim maintenance of Rs.3000/- from the date of filing of this application till disposal of main application. Therefore, this application is liable to be partly allowed. Hence, in order to answer point No.2, I pass following order.

ORDER

1. This application is partly allowed.
2. The respondent No. 1 do pay interim maintenance of Rs.2000/- (Two Thousand only) to the applicant No. 1 and Rs.1000/- (One Thousand only) to her son each per month from the date of filing this application i.e. **26.05.2023** till the disposal of the main application.
3. Copy of this Order be given free of costs to the parties of application vide Section 24 of the Protection of Women From Domestic Violence Act.
4. Copy of this order be given to Police Officer In-charge of Police Station, Malegaon vide Section 24 of the Protection of Women From Domestic Violence Act.
(Dictated and pronounced in open Court)

Place : Malegaon.
Date : 02.05.2024

[Pravin U.Kulkarni]
J.M.F.C. (Court No.2) Malegaon
Dist. Washim.

CERTIFICATE

I affirm that the contents of this P.D.F. file Order are same word to word, as per the original Order.

Name of the Stenographer : **Shivam B. Patange (L.G.)**

Court & Judge Name : P.U.Kulkarni

Jt. C.J.J.D. & J.M.F.C., Malegaon.

Date of Order : 02.05.2024

Order signed by the

Presiding Officer on : 06.05.2024

Order uploaded on : 06.05.2024