

MHWS100005262023



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Duration : Years Months Days
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**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS MALEGAON,
TAL. MALEGAON, DIST. WASHIM.**

(Presided over by A. S. Koshti)

PWDVA NO.13/2023

Exhibit No.31

01. Kavita Gopal Gunjkar }
Age : 22 Yrs., Occu.: Household, }
02. Aradhya Gopal Gunjkar }
(GAL Mother Kavita Gopal Gunjkar) }
Age : 3 Yrs. }
Both R/o. at village Ukali, Tq. Mehkar, }
Dist. Buldhana, }
At pre. Vardari Bu., Tq. Malegaon, }
Distroct Washim. }
...The applicant.

VERSUS

01. Ashok Sakharam Gunjkar }
Age: 60 Yrs., }
02. Sangita Ashok Gunjkar }
Age: 55 Yrs., }
03. Vishal Ashok Gunjkar }
Age: 25 Yrs., }
04. Pooja Vishal Gunjkar }
Age: 20 Yrs., }
All R/o. at village Ukali, }
Tq. Mehkar, Dist. Buldhana }
...The respondents.

**APPLICATION UNDER SECTION 12 OF THE PROTECTION OF
WOMEN FROM DOMESTIC VIOLENCE ACT, 2005.**

Appearances :

Shri. V.K.Bali, Learned Advocate for Applicants.

Shri. S.S.Shirsat, Learned Advocate for Respondent Nos.1 and 2.

Application proceeded without say against Respondent Nos.3 & 4.

JUDGMENT

[Delivered on this 10th April, 2026]

The Applicant was married to deceased Gopal Ashok Gunjkar on 14/05/2017. After marriage, she started living with him in a joint family. From this marriage, they have one daughter named Aradhya. Respondent Nos.1 and 2 are in-laws and respondent Nos.3 and 4 are brother-in-law and sister-in-law of the applicant.

02. The Applicant states that while living with her husband, the Respondent Nos. 1 to 4 used to insult her by saying that she is not good looking and is dark in complexion. They also said they could have got a better bride with more dowry. After the death of her husband, the Applicant stayed at her matrimonial home for about 2-3 months. During that period respondent demanded Rs.2,00,000/- from her parental home and threatened that she would not be allowed to stay in the house if she failed to bring the money.

03. Due to continuous mental and physical harassment, the Applicant was forced to leave the matrimonial home along with her daughter and is now residing at her parental home.

04. On 04/01/2023, Respondent Nos. 1 to 4 came to her parental house and assaulted her. At that time, only she and her mother were present.

05. Hearing the dispute, neighbors Sukhdev Rupa Jadhav and Phulabai Bahu Pawar came to intervene. However, the Respondents pushed them aside and forcefully took away the Applicant's daughter.

The Respondents stated that they would return the child only if the Applicant brings Rs.2,00,000/- from her parents. They also threatened to kill her and her parents if she came to their village. Thus, the Respondents have committed acts of domestic violence and harassment.

06. The Respondents own about 7–8 acres of agricultural land at village Ukli, Taluka Mehkar, District Buldhana, and earn approximately Rs.10–12 Lakhs per year.

07. Due to the harassment and being driven out of the house, the Applicant has no source of income and is unable to maintain herself and her daughter. Therefore, the Respondents have the financial capacity to pay maintenance.

08. The Applicant has prayed for the following reliefs :

- (i). Compensation of Rs.10,00,000/- for the mental and physical harassment caused by the Respondents.
- (ii). A separate room for residence in the joint family house at village Ukali, Taluka Mehkar and not to alienate the same.
- (iii). Monthly maintenance of Rs.25,000/- for herself and her daughter.
- (iv). A protection order against the Respondents to prevent further acts of domestic violence and also not to alienate the house property.

09. Respondent Nos.1 and have filed their say at Exh.11 and admit that the marriage between the Applicant and deceased Gopal Ashok Gunjkar took place and that they have one daughter.

10. However, they deny all other allegations made by the Applicant.

11. They state that the Applicant and her husband were living separately at Mehkar after marriage, while Respondent Nos. 1 and 2

were living with their other son and daughter-in-law (Respondent Nos. 3 and 4).

12. The Respondents claim that the Applicant used to harass her husband, due to which he committed suicide under mental pressure. Considering the future of the child, they did not file any police complaint.

13. They further state that after the death of Gopal, the Applicant received Rs.1,00,000/- as government assistance through the Tahsildar and handed it over to her parents.

14. The Respondents state that they are living in poor financial condition. Respondent No. 1 is elderly and spends around Rs.10,000–Rs.15,000 per month on medical expenses.

15. Respondent No. 3 works as a farm laborer and Respondent No. 4 does household work.

16. On the other hand, the Applicant is educated and earns income through beauty parlour and tailoring work.

17. The Respondents claim that the Applicant has filed this case only to mislead the Court and gain sympathy.

18. They deny all allegations of physical, mental, or economic harassment and state that they are still ready to treat the Applicant with love and care.

19. The points that arise for determination alongwith my findings thereon for the reasons to follow are as under :-

NO.	POINTS	FINDINGS
1	Whether the Applicant proves that she was subjected to domestic violence by the	Yes.

	Respondents?	
2	Whether the Applicant is entitled to a protection order under the provisions of the Protection of Women from Domestic Violence Act?	Yes
3	Whether the Applicant is entitled to maintenance, and if yes, to what amount?	Party Yes.
4	Whether the Applicant is entitled to compensation of ₹10,00,000/- as claimed?	No.
5	Whether the Applicant is entitled to a residence order i.e. separate room in the joint family house at village Ukali, Taluka Mehkar?	No.
6	Whether the Applicant proves that the Respondents are trying to alienate the house/property at village Ukali, Taluka Mehkar?	No.
7	What Order ?	As per final order

REASONS

AS TO POINT NOS.1 TO 6:-

20. At the outset, it is necessary to consider the legal position regarding domestic relationship. In this regard, reliance is placed on the judgment of the Hon'ble Supreme Court in **Prabha Tyagi Vs. Kamlesh Devi**, wherein it has been held that :

“The subsisting domestic relationship must be interpreted in a broad and expansive way, so as to include not only a present domestic relationship but also a past domestic relationship. Therefore, even persons who have lived together at any point of time in a shared household are covered.”

Further, the Hon'ble Supreme Court has held that:

“If a domestic relationship is subsisting vis-à-vis allegations of domestic violence, the aggrieved person is entitled to file an application under Section 12 of the D.V. Act.”

21. Applying the above principle to the present case, it is clear that the Applicant and the Respondents were in a domestic relationship

and had lived together in a shared household. It is the responsibility of respondent No.1 to maintain applicant Nos.1 and 2 being a daughter-in-law and grand-daughter. Therefore, the present application is maintainable.

22. The Applicant has filed her evidence affidavit at Exhibit 20 and also examined witness Sukhdeo Rupa Jadhav at Exhibit 24. The Respondents failed to cross-examine the said witness. Therefore, the testimony of the Applicant and her witness has remained unchallenged and is to be accepted. In a given case, on perusal of the allegations in the application it appears that respondents have committed domestic violence and there is domestic relationship. Applicants have resided with respondents before the death of husband and after the death of her husband. Respondents have committed the domestic violence after the death of her husband also. Respondents also come within the ambit of the definition of respondent. Respondents failed to adduce evidence. Hence, their evidence is closed.

23. The Applicant has also filed her Assets and Liabilities Affidavit at Exhibit 15. The Respondents have filed their affidavit at Exhibit 16, stating that they do not have any movable or immovable property. However, the Applicant has produced document M.E. 485 at Exh. 30 and 7/12 Extract of Gat No.43 at Exh.23. On perusal of the same, it appears that Respondent No. 1, Ashok Sakharam Gunjkar, alongwith others, has inherited agricultural land bearing Gat No. 43, admeasuring 2 Hectare 87 Are, after the death of Sakharam Vithoba Gunjkar.

24. Thus, it is evident that Respondent No. 1, being the father-in-law, has inherited property in which the deceased husband of the

Applicant also had a share. Therefore, Respondent No. 1 has the responsibility to maintain the Applicant and the minor grand-daughter.

25. So far as compensation is concerned, the Applicant has not produced sufficient evidence to support the claim. Hence, the Applicant is not entitled to compensation.

26. As regards the protection order, since the evidence of the Applicant has remained unchallenged, the Applicant is entitled to a protection order.

27. Regarding residence order, the Applicant is presently residing at her parental home. No evidence has been produced to prove the existence of a shared household or joint family house. Therefore, the Applicant is not entitled to a residence order.

28. The Applicant has not produced any documentary or oral evidence to show that the Respondents are attempting to alienate the house/property at village Ukali, Taluka Mehkar. No material has been placed on record in support of this contention. Hence, the said allegation is not proved.

29. As regards maintenance, considering the relationship between the parties, status of the parties, current rate of inflation and the fact that Respondent No. 1 has inherited property (Exh.23 & 30), this Court finds it just and proper to award maintenance.

30. Accordingly, the Applicant is entitled to maintenance of Rs.2500/- per month for herself and Rs.1,000/- per month for her minor daughter, from the date of application. Hence, I answer to point Nos.1 to 6 accordingly.

AS TO POINT NO.7 :-

31. In the result, I pass following order :-

:- ORDER :-

01. The application is hereby partly allowed.
02. The Respondents are hereby restrained from committing any act of domestic violence against the Applicant. A protection order is accordingly granted in favour of the Applicant.
03. The Respondent No. 1 shall pay monthly maintenance of Rs.2500/- (Rupees Two Thousand Five Hundred only) to the Applicant and Rs.1,000/- (Rupees One Thousand only) to the minor daughter, in total Rs.3,500/- per month.
04. The said maintenance amount shall be payable from the date of filing of the application.
05. 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.
08. 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 the open court)

Place : Malegaon.

Date : 10.04.2026.

[A. S. Koshti]

J.M.F.C. (Court No.2), Malegaon.
Dist. Washim.

<u>CERTIFICATE</u>		
I affirm that, contents of this PDF file is same word to word, as per original Judgment :-		
1. Name of the Stenographer	:-	Shivam B. Patange (L.G.)
2. Court Name	:-	Jt. C.J.J.D. & J.M.F.C., Malegaon
3. Judgment dated	:-	10.04.2026.
3. Judgment Signed by the PO.	:-	10.04.2026.
4. Judgment uploaded on	:-	10.04.2026.