


<p><u>MHWS100008542022</u></p> 	<p><u>ORDER BELOW EXH.1 IN P.W.D.V. No.29/2022</u> <u>(Tarabai Bajad Vs. Rameshwar Bajad)</u> (Date:- 04/08/2022)</p>
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1) The Ld. Advocate for applicant orally submitted to grant an interim protection order under section 18 of the Protection of Women from Domestic Violence Act 2005 (Herein after refereed as the Act). It is the submission of Ld. Advocate for applicant that as per section 18 of the Act, the court may grant order u/s 18 on being prima facie satisfied and opportunity of being heard is given to applicant and respondents that the domestic violence is take place. As per section 28 (2) the court may lay down its own procedure for disposal of an application u/s 23 (2) of the act.

2) The Ld. Advocate for respondent argued that domestic violence report is not on record. Whether the domestic violence is occurred or the not is the part of evidence. The application u/s 23 has not been filed on record. There is no urgency in the present case. Hence, prayed to reject the oral prayer of advocate of applicants.

3) Admittedly, there is no application u/s 23 of the Act is on record. Even there is no prayer for relief u/s 23 in the main application. The respondent has filed say to the main application. Though the court may lay down its own procedure for disposal of an application u/s 23 of the Act. However, there is no such

application. If the application is filed then respondent has opportunity to oppose the application. The principal of natural justice needs to be followed. There is no reason appears in submissions of Ld. Advocate for applicants why the interim application is not filed. The respondent has denied the contentions of the applicant in their say. In such circumstances, I am not inclined to accept the oral prayer of Ld. advocate for applicants. Applicants are liberty to file interim application as per section 23 of the Act.

Date:- 04/08/2022

Place: Malegaon

(Pravin U.Kulkarni),
Jt.C.J.J.D.& J.M.F.C.Malegaon,
Dist.Washim.

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 the Stenographer	:	N. F. Syed, Stenographer (L.G.)
Name of Court	:	Joint Civil Judge, [Jr. Divn.] & Judicial Magistrate, First Class, Malegaon, Dist. Washim.
Date:	:	04/08/2022.
Order signed by the Presiding Officer on	:	04/08/2022.
Order uploaded	:	04/08/2022.