

MHYA050032032023



**ORDER BELOW EXHIBIT NO. 9**  
**PASSED ON Dt. 12/12/2024**

Applicant No. 1, on behalf of herself and her minor daughter, has filed a case under Section 125 of the Code of Criminal Procedure seeking maintenance from the respondent. The applicant has outlined the factual situation in the application at the time of filing the case. To avoid repetition of these facts and to save the time of this Hon'ble Court, the content of the application and accompanying documents should be considered as part of the record. Perused application and say also heard both the Ld. advocates at lengths.

2. The applicant has stated that several months have passed since the respondent abandoned her. The applicant is living with her parents in financial hardship, as her financial situation is dire. Since there are no other means to support herself and her child, the applicant was compelled to file this application to obtain interim maintenance. It is essential that, until the final decision of this case, Applicant No. 1 is granted

temporary maintenance of ₹10,000 per month for herself and ₹5,000 per month for her daughter.

**3.** The respondent is engaged in Ayurvedic medicine marketing and runs a shop named Eagle and Roman Enterprises Ayurvedic Store. Additionally, he is involved in share trading, earning an income of more than ₹50,000 per month. The health of Applicant No. 2 is not good, requiring frequent medical attention, which entails significant expenses. These expenses, along with general living costs, justify the claim for maintenance.

**4.** The respondent has submitted a written statement on record at (Exhibit No. 15) and filed pursis at (Exhibit No. 9) and contended that, their main say be considered say of interim application. The respondent has admitted to his relationship with the applicant but denies other allegations as false. Applicant No. 1's marriage with the respondent took place on 31.12.2017 in a simple ceremony due to her parents' financial constraints. The respondent bore all the expenses of the marriage and gave ₹50,000 to the applicant's father for the wedding.

5. Initially, Applicant No. 1 lived amicably with the respondent's family for 15 days after the marriage but later started quarreling over minor issues. She expressed a desire to live separately from the respondent's family. As a result, the respondent, hoping for a peaceful married life, started living separately with Applicant No. 1 just one month after the marriage. However, her behavior did not improve. Applicant No. 1 ultimately demanded separation from the respondent, refusing to continue the marital relationship.

6. The respondent claims that Applicant No. 1 was already engaged in various businesses like selling Ayurvedic products, garments, and tailoring, earning ₹40,000 to ₹50,000 per month. The respondent, on the other hand, is suffering from a back ailment and is unable to work. Despite this, Applicant No. 1 left the matrimonial home. Therefore application be rejected.

7. After going through the application, say and documents on record. It is seen from that, applicant No. 1 and her minor daughter are residing separately since more than 2 years and till today non-applicant has not taken any care or provided maintenance amount to

them. It is seen from the record *prima facie* that, non applicant has not provided any monetary relief to the applicants for livelihood.

**8.** Both the parties have made various allegation against each other. Needless to say that, at this stage any finding about them is not needed. Thus, no opinion can be expressed in respect requirements of the applicant and earning and responsibilities of the non applicant at this stage.

**9.** At this stage, the arrangement of basic needs for Applicant No. 1 and Applicant No. 2 has to be made. It is also seen from the record, *prima facie*, that Applicant No. 2 is suffering from a disease and is undergoing treatment at a hospital for the same. The applicant has submitted some medical prescriptions to substantiate this claim. Furthermore, it is observed from the record, *prima facie*, that the non-applicant is engaged in the business of Ayurvedic medicine. To support this assertion, the applicant has also filed a certificate and other relevant documents.

**10.** Considering the *prima facie* facts and

circumstances, the standard of living of both the applicants and the non-applicant, and without delving into the merits of the case, I am of the opinion that granting an interim maintenance of Rs. 5,000/- per month to Applicant No. 1 and Rs. 5,000/- per month to Applicant No. 2 from the date of the application is just and proper.

**11.** Hence, In the result I pass following order.

**ORDER**

- 1.** The application is partly allowed.
- 2.** Non applicant is ordered to pay amount of Rs. 5000/- per month to the applicant No. 1 and 5,000 to Applicant No. 2 as interim maintenance from the date of application till the disposal of the case.

**Date: 12/12/2024**  
**Pusad**

**Z. Z. Quadri**  
**J. M. F. C. (Court no.6)**  
**Pusad**