

IN THE COURT OF THE JUDICIAL MAGISTRATE (FIRST CLASS)
34TH COURT, VIKHROLI, MUMBAI.

MHMM160233632024	<u>C.C.NO. PWDVA/169/2024</u>
	Megha Hardik Shah ----- Applicant V/s. Hardik Prakash Shah and Ors. ----- Respondents

ORDER BELOW EXH.11

(Passed on 14/08/2026)

1] The applicant sought interim reliefs u/sec. 23 of the D. V. Act vide Exh.01. The respondents filed reply at Exh. 19. Both parties filed their affidavit regarding assets and liabilities at Exh. 10 and 20.

2] Heard Ld. Counsel for the applicant and the respondents. From the assets and liabilities, it is clear that applicant and respondents are earning persons. They have well salary income. However, the applicant has claimed as interim monetary relief Rs. 23,000/- per month from the respondents. Before deciding the interim relief in favour of the applicant, it is necessary to discuss whether the respondents have caused any domestic violence to the applicant.

3] The applicant filed assets and liabilities. The applicant has mentioned that she is residing separately from the respondents from the year October 2022. She is residing in her parents house. She has monthly income of Rs. 31,300/-. Whereas, the respondent No. 1 has monthly income of Rs. 48,800/-. The applicant relied on the authority **Cri. Rev. Application No. 283/2021,-- V/s. State of Gujarat**, wherein Hon'ble High Court observed that “ *it is duty of the husband to*

maintain his wife and to provide financial support to her and he cannot shirk his responsibility as a husband to maintain his legal wedded wife, which is his social and lawful duty towards wife would be entitled to the same standard of living which they are enjoying while living with them.”

4] In the present case, the applicant herself stated in her main application that marriage of the applicant was solemnized with the respondent No.1 in the year 2021. She is residing separately from the respondents from 13.10.2022. She herself mentioned in the application that the marriage of applicant was not consummated with the respondent no. 1 because respondent No. 1 was suffering from diabetes and other medical issues. Respondent Nos. 3 and 5 started torturing to applicant on every small things. She does not mentioned what kind of torture respondent No. 3 and 5 caused to the applicant. The applicant alleged allegations against the respondents in general nature. It does not come in the definition of domestic violence. Prima-facie, applicant has failed to prove the respondents have caused any domestic violence to the applicant.

5] Further in the above authority upon which the applicant is relied, it is appeared on different aspect. Facts and circumstances of the present case is different from the above authority, therefore, the above authority is not applicable here.

6] The applicant has not stated that she is not able to maintain herself. Therefore, she is not entitled to get any interim relief regarding monetary relief from the respondents. The applicant has also failed to

prove prima-facie respondents have caused any domestic violence to the applicant. Therefore, I pass following order :-

ORDER

The Interim Application is hereby rejected.

Sd/-

(R. H. Jha)

Vikhroli, Mumbai.
Date : 14/08/2026

Judicial Magistrate (First Class),
34th Court, Vikhroli, Mumbai.