

MHMM170144062018



**IN THE COURT OF JUDICIAL MAGISTRATE, FIRST CLASS,**  
**67TH COURT, BORIVALI, MUMBAI**  
**C.C.NO.435/DV/2018**

Mrs. Neha Pankaj Verma

... Applicant

V/s.

Mr. Pankaj Subhash Verma and 3 others

... Respondents

**ORDER BELOW EXH.1**  
**(Passed on 05.12.2024)**

1. Heard both the sides at length. Perused the documents filed on record. Applicant herein has filed application under section 12 of the Protection of Woman from Domestic Violence Act, 2005 (in short 'DV Act') seeking reliefs under sections 12, 18, 19, 20, 22 and 23 for monitory compensation, residential order. By filing main petition she has claimed all these reliefs as an interim relief vide present interim application.

2. It is the case of the applicant that she and respondent no.1 got married on 18/06/2017. Respondent no.2 to 4 are her inlaws. All the marriage and engagement expenses were born by her parents. When she went to cohabit at her matrimonial home respondents started demanding dowry. After the marriage respondent no.1 use to assault her brutally on her stomach on the pity issues. Respondent no.1 use to came in drunken state in night at home. Respondents use to abused her in filthy language. She was compelled to do all the household work. After the marriage

respondents started to causing harassment to her by asking to work like maid/ by taunting and abusing in filthy language. Applicant has narrated the numerous incidents of physical, verbal, emotional and economical abuses committed by the respondents in her main petition. As respondents unlawful demands have not been meted out by applicant or her parents, respondents have started physically and mentally harassing more and more day by day. Respondents thrown out the applicant from the matrimonial home. Since then respondents neglected their moral duties to maintain the applicant.

3. Applicant stated that respondent no.1 is working in film industry, media and investment and having handsome income of Rs. 50,000/- p.m. At present she is residing at her parents house as a burden upon them. She is not getting sufficient income to maintain herself. Applicant has claimed Rs. 10,000/- per month as interim maintenance for herself. She has claimed other reliefs claiming Rs. 10 Lakh compensation.

4. On the other hand respondent neither appeared nor filed their reply. In view of aforesaid background, following points arise for my consideration on which I have recorded my findings thereon for the reasons given below them :--

| <b>Sr.<br/>No</b> | <b><u>POINTS</u></b>                                                                        | <b><u>FINDINGS</u></b> |
|-------------------|---------------------------------------------------------------------------------------------|------------------------|
| 1.                | Does the applicant prima-facie prove the domestic violence against her by the respondents ? | In the affirmative.    |
| 2.                | Whether the applicant is entitled to interim reliefs as prayed against the respondent ?     | Partly affirmative.    |
| 3.                | What order ?                                                                                | As per final order.    |

## **REASONS**

### **AS TO POINT NO.1 AND 2 :-**

5. It is needless to say that provisions of DV Act are primarily based upon to protect the interest of women from the domestic violence by her own family members or the members of her matrimonial home. The Act itself provides enough space to the court to exercise discretion on the basis of reasonable proofs of the domestic violence. Even court has been given power to pass any appropriate relief as deem fit in appropriate case. At the same time duty also casted upon the court to allow the relief fairly and reasonably to the applicant and her dependents with the standard of living to which they have accustomed by having regard to financially needs and resources of the parties.

6. In the case in hand both parties have filed their affidavit of income declaring their assets and liability. The applicant has filed the copy of police complaint filed against the respondents. Admittedly at present applicant and respondent are living /residing separately. At this juncture it is difficult to arrive at the findings/ conclusion that respondents are guilty to the act of domestic violence. However, prima facie it appears that, marriage between the applicant and respondent no.1 could not work out. Relationship between them has been strained, so that it seems no likelihood of reunion. At this juncture, it cannot be decided whoever is at fault for separation and living married life alone. The findings are subjected evidence upon trial. But applicant has persuaded criminal complaint against respondents under Section 498(A) of IPC also.

7. Circumstances here prima facie prove the domestic violence taken place against the applicant due to which she is residing separately. In so far as the claim of the applicant is concerned, reliefs sought by the

applicant are exaggerated, not reasonable and fair in view of financial income gain of respondent and applicant herself. Therefore, respondent is duty bound to maintain the applicant. In order to avoid the conflict situation with order of the Hon'ble Family Court, I am of the opinion that the relief claimed by the applicant in the proceeding on hand should be in consonance with the interim order passed by the Hon'ble Family Court. A perusal of order passed by the Hon'ble Family Court depicts that every aspect has been touched by the Hon'ble Family Court while arriving at the conclusion. Therefore, no different opinion or conclusion needs to be record in the case on hand by this court. As applicant is housewife and she could not earn sufficient income to maintain herself. However, considering standard of living of applicant to which they have accustomed and to make up the expenses the monthly maintenance of Rs. 4,000/- p.m. to the applicant would meet ends of justice to both sides. Hence, I answer point No.1 in the affirmative and point no.2 in part affirmative. Thus, in result I proceed to pass the following order :-

**AS TO POINT NO. 3:-**

8. From the above discussion, I proceed to pass the following order :-

**ORDER**

1. Application is partly allowed.
2. Respondent no.1 is directed to pay amount of Rs.4,000/- (Rs. Four Thousand only) per month to the applicant as an interim maintenance from the date of filing this application, till disposal of the main application.
3. Copy of this order be given to both parties, concerned Police

Station and Protection Officer free of cost.

4. (Order dictated and pronounced in Open Court).

Mumbai,  
Dated : 05.12.2024

ppk

Dictated on : 05.12.2024  
Typed on : 05.12.2024  
Signed on : 05.12.2024

( **A. D. GHUGE** )  
Judicial Magistrate (First Class),  
67<sup>th</sup> Court, Borivali, Mumbai.