

Order below Exh.5 in
P. W. D. V. A. Appeal No. 53/2022
(Alliso Abdul Mujawar Vs. Sou. Farhin A. Mujawar)

1. Appellant has filed present application for granting stay to order passed in PWDVA Application No.314/2020 by Learned J.M.F.C. Miraj.

2. It is stated in the application that respondents had filed PWDVA Application No.314/2020 u/s.12,23 of The Protection of Women from Domestic Violence Act. The Ld. Trial Court by order below Exh.45 dtd. 19.09.2022 granted maintenance of Rs.2,000/- p.m. to the respondent No.1 and Rs.1,000/-p.m. to the respondent No.2. Further Rs.30,000/- compensation is granted to respondent No.1. Additionally Rs.3,000/- rent is directed to be paid to the respondents from the date of filing of application alongwith Rs.1,000/- costs of the application. Being aggrieved by the said order present appeal is filed. It is submitted that, appellant has good chances of success in the appeal. Much time will be required for the decision of the appeal on merits. If till then impugned order is stayed then no loss will be caused to the respondents. On the other hand if order is not stayed then there will be financial loss to the appellant. On these grounds appellant has prayed to stay the order passed by Ld. Trial Court.

3. Application is strongly opposed by the respondents by filing reply Exh.13. Respondents have denied all the averments made in the application. It is submitted that application is not tenable and already Ld. Trial Court has granted less maintenance to the respondents. Relationship with appellant and filing of the proceedings have been admitted by the respondents. It is submitted that, without any reason appellant has denied

to cohabit with respondent and drove her out of the house. Respondent No.1 is residing with her parents. Appellant has not paid any amount of maintenance till today. Respondent No.1 has no source of income, appellant is liable to pay maintenance to the respondents. Therefore, it is prayed to reject the application.

4. Heard Ld. Advocates for the parties. Relationship between the parties is undisputed. Appellant is husband of respondent No.1 and father of respondent No.2. It is seen that respondents had filed application u/s. 12,18,19,20, 21 and 22 of Protection of Women from Domestic Violence Act in the court of Ld. J.M.F.C., Miraj. On 19.09.2022 by order below Exh.45 said application came to be partly allowed. By that order monthly maintenance of Rs.2,000/- is granted to the respondent No.1 while monthly maintenance of Rs.1,000/- is granted to the respondent No.2 since the date of filing of the application i.e.22.07.2020. Further u/s.22 of Domestic Violence Act Rs.30,000/- compensation is granted. The appellant is directed to pay Rs.3,000/- p.m. rent since the date of application alongwith Rs.1,000/- costs of the application to the respondents. Being aggrieved by the said order present appeal is filed.

5. Learned Advocate for the appellant submitted that appellant has no source of income, he is doing labour work and earning Rs.300/- per day, he has no capacity to pay maintenance and compensation etc. as directed by the Ld. Trial Court. It is further submitted that, on the basis of vague allegations application is allowed. Appellant did not get opportunity to cross examine witnesses or led evidence. In the circumstance, he has prayed to stay the impugned order.

6. Learned Advocate for the respondents has submitted that, without any reason respondents are driven out of the house. Appellant has performed second marriage and residing with his second wife. Ld. Trial Court has properly considered grievance of respondents and passed impugned order. There is no reason to stay the impugned order. It is submitted that, till today appellant has not paid any amount to the respondents. Respondents have no source of income. Hence he has prayed to reject the application.

7. As stated above, relationship of the parties is undisputed. Ld. J.M.F.C. vide impugned order has granted maintenance, compensation and rent in favour of the respondents. After going through the impugned order it is seen that the present appellant had submitted his reply vide Exh.27. However, thereafter he failed to contest the matter and cross-examine the witness or led any evidence. Consequently Ld. Trial Court on the basis of submission of respondent passed impugned order. It is necessary to consider that in absence of evidence by appellant said order is passed. Appellant had opportunity to contest the application by cross examine the witness and by leading evidence. However, if impugned order is not stayed then appellant would suffer. Much time will be required to decide the appeal on merits. If during the pendency of the appeal, impugned order is executed then appeal would be infructuous. Therefore, it is necessary to stay impugned order. At the same time it has to be considered that appellant is young and healthy person and he has performed second marriage. Respondents are not having any source of income, they are depending on the appellant. Therefore, the impugned order can be stayed by imposing conditions to pay amount. Hence following order is passed -

ORDER.

- 1] Application is partly allowed.
- 2] Impugned order passed in PWDVA No.314/2020 by Ld.J.M.F.C. Miraj (Court No.4) is hereby stayed on following conditions :-
 - a) Appellant should pay Rs.1,500/- p.m. maintenance to respondent No.1 and Rs.500/- p.m. maintenance to respondent No.2 since the date of application i.e. 22.07.2020.
 - b) Appellant should pay Rs.15,000/- compensation to respondent No.1.
 - c) Appellant should pay Rs.1,000/- per month rent to respondent No.1 since date of application i.e.22.07.2020.
 - d) Appellant should pay Rs.1,000/- towards costs of the application to the respondent No.1.
- 3] Appellant should pay aforesaid amount till date within one month from today and continue to deposit the amount of maintenance and rent as directed above on or before 10th of each month till disposal of appeal.

Sangli.
Date: 30/06/2026.

(M. M. Shaikh)
Additional Sessions Judge
Sangli

<u>CERTIFICATE</u>	
I affirm that, the contents of this PDF File order are same, word to word, as per the original order.	
Name of Stenographer	A. B. Kamble (Grade - I)
Name of Court	Adhoc District Judge -1 and Additional Sessions Judge, Sangli
Date of Judgment	30/06/2026
Judgment signed by the Presiding Officer	30/06/2026
Judgment uploaded on	30/06/2026