

ORDER BELOW EXH.1

1. Perused record. Heard both sides. This is an application under Section 12 of Protection of Women from Domestic Violence Act, 2005, *hereinafter referred as D.V. Act*, and vide prayer clause No.28(e), applicant sought interim maintenance from the respondent till the disposal of main application.

2. As per applicant, her marriage with the respondent took place since long back as per Hindu rites and customs on 25.01.1988. Respondent is highly qualified and successful businessman. Initially everything had gone well. But later on she came to know that respondent is having illicit relations with one lady. Due to opposition by his mother the said marriage was solemnized. Respondent was not willing to have child from the applicant. When he was working at Dubai, he used to bear expenses of applicant and his mother. After the death of his mother also he bore her expenses for some time. But later on respondent stopped paying anything. She have no means of income and also suffering from various ailments. Despite that respondent not taken care of her and caused various acts of domestic violence as narrated in this application. Therefore, applicant besides main reliefs also sought interim maintenance.

3. The respondent vide his detailed say, denied all the contentions raised by applicant. The summary of this long say is that allegations are false. He has taken care of the applicant and also paying maintenance to her. In future also he is going to take care of her. Therefore, application shall be rejected.

4. Considering adverse pleadings, submissions of both the parties and record, I framed following points for my determination and recorded my findings on each of them as follows for the reasons discussed below-

	POINTS	FINDINGS
1.	<i>Does from the material on record applicant succeeded in making out prima facie case of commission of domestic violence against her by the respondent ?</i>	<i>....In the affirmative.</i>
2.	<i>Whether applicant is entitled for the relief of interim maintenance as prayed for ?</i>	<i>....In the affirmative.</i>
3.	<i>What order ?</i>	<i>....Prayer is partly allowed.</i>

R E A S O N S

5. The record shows that the fact of marriage, strained relationship and dependency of the applicant for her livelihood on the respondent is admitted by both the parties. If we go through record in support of the allegations the applicant filed on record various documents, besides the above admitted fact.

6. Against it if we go through the reply filed by the respondent, except bare affidavit there is nothing on record. The non payment of day to day expenses is almost admitted. This fact clearly constitutes economic violence. The conduct of the respondent gathered from whole record reflects that he is taking no care of the day to day requirements of the applicant. The other allegations pertaining to domestic violence are also supported by affidavit and other record. In such a situation it can be inferred that the respondent committed various acts of domestic violence against the applicant, including emotional and economic violence. Therefore, I recorded my findings on Point Nos.1 and 2, in the affirmative.

7. So far as reliefs are concerned, the applicant bonafidely claimed only interim maintenance, which she termed as compensation in the prayer clause. The parties belonged to higher economic strata. The

amount of interim maintenance must be in tune with the day to day requirements and decent standard of living of applicant. Therefore, following order, -

ORDER

- a. The prayer is partly allowed.
- b. The respondent Mr. Harkishan Kanhiyalal Khushalani, is herewith directed to pay Rs.20,000/- (Rupees Twenty Thousand Only) per month to the applicant, Mrs. Renuka Harkishan Khushalani, from the date of filing of application till the month of September 2023, as past interim maintenance.
- c. The respondent Mr. Harkishan Kanhiyalal Khushalani, is herewith directed to pay the interim maintenance of Rs.25,000/-(Rupees Twenty Five Thousand) per month to the applicant, Mrs. Renuka Harkishan Khushalani, from October 2023 till the decision of the main application towards maintenance, so that applicant shall not be compelled to knock the doors of court again and again for enhancement of the maintenance amount.
- d. The prayer for other interim reliefs is rejected.
- e. The copy of this order shall be given free of costs to both the parties.
- f. If respondent Mr. Harkishan Kanhiyalal Khushalani, failed to comply the order the applicant is directed to file separate application bearing separate number for recovery of arrears.

Sd/-

MUMBAI

(KOMALSING RAJPUT)

DATE – 15.09.2023

M.M., 12TH COURT, BANDRA, MUMBAI