

IN THE COURT OF
CHIEF JUDICIAL MAGISTRATE BARAMULLA
AT SOPORE.

CNR Number	File No.	Date of Instt.	Date of Order
JKBA-0600-2341-2022	456/M	15-10-2022	18-04-2026

In the Case of:-

1. Arifa Begum D/o Mohammad Maqbool Khan
W/o Tariq Ahmad Dar
R/o Kanlibagh Aloosa A/P Mahrajpora, Sopore
2. Furqan (age 08 Years)
3. Mohd Hamza (age 03 years)
Through her mother applicant No. 01
(.....Applicants)

VERSUS

1. Tariq Ahmad Dar S/o Ghulam Mohammad Dar
2. Mohammad Amin Dar
3. Khursheed Ahmad Dar
Both Sons of Ghulam Mohammad Dar
4. Ghulam Mohammad Dar
5. Hajra Begum W/o Late Ghulam Hassan Dar
All Residents of Kanlibagh Tehsil Aloosa District Bandipora.
(.....Non-applicants)

In the Matter of: *Petition for Interim Relief under Domestic Violence Act 2005.*

For Applicants:- Adv. Mohd Maqbool.

For Non-applicants:- Adv. Owais Javaid.

CORAM: Iqbal Rafiq Vakil.
U.I.D:- JK-00270.

ORDER

18.04.2026

1. This order is to dispose of application for interim monetary relief till outcome of main petition.
2. On presentation of the application, notice was issued to the non-applicants to cause their appearance before this court. They have appeared and filed objections on 18-11-2023.

Arifa Begum & Ors. Vs. Tariq Ahmad Dar & Ors.

During the hearing, it is nowhere in dispute that applicant and non-applicant No. 01 are having two children same also transpires from the assets and liabilities filed by the parties who are presently in the custody of the applicant No. 01.

4. Learned counsel for the applicant stated that the applicant No. 02 & 03 are required to be arrayed as parties to the lis beforehand, accordingly, they are added as parties. Learned counsel for the applicant to file fresh memo on next date of hearing.
5. The case presented by the aggrieved persons through this petition in a nutshell is that of numerous incidents of verbal, mental abuse and economic abuse perpetrated by the respondents on the aggrieved person No. 01.
6. At this juncture, the Learned Counsel for the applicant/aggrieved has prayed that, pending the disposal of the main petition, the application in terms of Section 12 of Protection of Women from Domestic Violence Act be allowed, and the non-applicants be prohibited from committing any act of domestic violence in the future against the aggrieved person. Moreover, the counsel for the aggrieved person has prayed for maintenance allowances.
7. The motion is objected on the ground that the petitioner No. 01 being the wife of respondent is living separately. Besides allegations of act of domestic violence are frivolous. The respondent is a labour by profession and he is earning only Rs. 10,000/- per month.

Heard and Considered.

8. The allegations and counter-allegations are matters for trial and cannot be conclusively adjudicated at this stage. However, for the limited purpose of deciding the interim application, there is sufficient prima facie material on record to consider the claim for interim maintenance against Respondent No. 01.

As per the affidavits of assets and liabilities placed on record, the applicants are not having any source of income. The Respondent No. 01 is a labour by profession having monthly income of Rs. 10,000/-.

10. Before granting the maintenance this court has to ensure that the amount so fixed is neither luxurious nor penurious but must be consistent with the standard of family of the applicants, means of non-applicant and his other liabilities and commitments.
11. In present times, even a labourer is able to earn at least Rs. 500/- per day as labour charges which amounts to Rs. 15,000/- per month.
12. After hearing and going through material on record. Presently aggrieved persons are staying at her parental home. The interim monetary relief granted in favour of petitioners, is as under:
 - i. The non-applicant/respondent No. 01 shall pay monthly interim maintenance of Rs. 3,000/- in favour of Petitioner No. 1 from the date of application, and Rs. 2,000/- each in favour of petitioner No. 02 & 03 from the date of this order (in total Rs. 7,000/-).
 - ii. That the maintenance amount be paid before 5th of every month through the bank account of applicant No. 01.
13. Copy of the order be furnished to counsel for parties under rules.
14. Application is accordingly disposed off. Be made part of the main file.

Announced:
18th April 2026.


Chief Judicial Magistrate
Sopore.