

PWDVA. No. 129/2023

Vrushali Vs. Manoj

Order below Exh. 1-A

(Passed on 28th August 2024)

1] Read application and written statement at Exh. 6. Heard learned counsel for aggrieved person and learned counsel for respondent No.1. Considered their submissions.

2] The aggrieved person has contended that, initially, the behaving of respondents was good but after some days of marriage they showed their true color. The respondent husband has a transferred job but he was not taking applicant -wife with him at his work place. The respondent No. 1 used to ask money from her and her gold necklace was mortgage by him. Respondents were tortured her for baby boy. The applicant has laparoscopy but respondent has failed to pay its charges. The respondent husband was not ready to cohabit with her and deserted her. The respondent husband was not ready to take her responsibility.

3] One day she found some romantic chatting in whats up of respondent. He was not ready to take care of baby boy and not ready to take his responsibility. Her son was suffering from Hernia for which her parents paid the entire medical expenses. The respondent husband was having some chats with cousin sister of the applicant regarding demand of sex from her, in the month of August 2022, to which her cousin refused. The respondent has not provided any monetary help and not taking responsibilities of applicants. Hence, she was constrained to file this application.

4] Aggrieved person claimed interim maintenance to her of Rs. 25,000/- per month and for her son Rs. 10,000/-. It is her contention that, respondent No.1 earns Rs. 60,000/- to 80,000/- per month as he is working as leader fireman in Maharashtra Government.

5] The respondent denied the allegations leveled against him in toto. He has stated that, she has concealed real facts, she refused to reside with him at his work place. As she is only child of her parents, she wants to reside with her parents only and she asked to respondent to stay at her place. Due to his transferable job and nature of his work, he needs to reside at work station only. He has not deserted her. They have not committed any act amounting to domestic violence.

6] Both of them leveled allegation against each other. He has stated that he is earning Rs. 30,000/- to 40,000/- per month only because he has to pay EMIs from rest of the amount of salary. As per his affidavit of assets and liabilities, he is having salary of Rs. 52,388/- per month but after completing liabilities he received only 28,000/- per month towards his salary. Moreover, the applicant is having income of Rs. 30,000/- to 40,000/- per month as she is doing job.

7] Both parties have filed their assets and liability form, as per mandate. The respondent has stated his salary as Rs. 30,000/- to 40,000/- per month and his parents are dependent upon him. His bank statements show that, he is having recent salary around Rs. 35,000/- per month. The applicant has stated salary of Rs. 30,000/- in her affidavit of assets and liabilities. It

appears from income as Rs. 3,36,961/- per annum as per ITR of the year 2022-23 that means she is earning around Rs.29,000/- per month. In her bank statement entry for salary is shown around 24,000/-. But which is not sufficient for her to maintain herself and her son as she is already burdened with child care.

8] Relations between parties are not disputed. Aggrieved person is legally wedded wife of respondent No.1. Prima facie, commission of act of domestic violence seen from the application. But at this stage, it is not necessary to go into particulars of those allegations.

9] Respondent being husband, legally and morally liable to maintain aggrieved person. Therefore, I am of the opinion that in order to make provision for subsistence of aggrieved person interim maintenance needs to be granted. However, applicant has not produced any kind of document which shows that the respondent No. 1 earns Rs. 60,000/- to 80,000/- per month.

10] The applicant has also asked for permanent residence or for payment for rent. For this she has failed to show that she wants to stay separately from her parents. She is staying with her parents and no leave and license agreement is placed on record. Hence, at this juncture, this prayer cannot be granted. She has prayed for other reliefs also, but at this stage those reliefs cannot be granted as it requires evidence.

11] Taking into consideration living standard of parties, I am of the opinion that, if quantum of interim maintenance in present proceeding is fixed at Rs. 5,000/- per month to applicant and Rs. 7,000/- to her son per month will meet the ends of justice.

Hence, following order.

ORDER

- 1] Application is partly allowed.
- 2] The respondent Nos. 1 to 3 are hereby directed not to cause any kind of domestic violence by any means to the applicant till final adjudication of the main application.
- 3] From the date of application, respondent No.1 shall pay interim maintenance at the rate of Rs. 5,000/- per month to aggrieved person and Rs. 7,000/- per month to their child namely Utkarsh, till decision of main application.
- 4] Copy of this order be given free of cost to aggrieved person and respondent No.1.
- 5] A copy of this order be sent to concerned police station.
- 6] Parties to expedite the matter.

Sd/-

Dt- 28/08/2024

(A. T. Bansod)
Judicial Magistrate First Class,
Court No.6, Belapur, Dist. Thane.