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CNR NO. MHNS180000682018.

PWDA Apln. No. 01 of 2018

Dnyaneshwari Yogesh Dalavi ...Applicant.

Versus.

Yogesh Dhavalu Dalavi & etc. ... Non applicants.

Order below Exh. 3.

Applicant Sau. Dnyaneshwari Yogesh Dalavi filed this application for interim maintenance against the non-applicants.

2] It is submitted in the application that, the non-applicant drove her out and deserted the applicant from his house. As such, she is residing with the parents of applicant. The economic condition of the parents of applicant is miserable. As such, they are unable to maintain the applicant. As against this, the non-applicant no. 1 is in service and he is earning Rs.35,000/- to 40,000/- per month. So also non applicant Nos.2, 4 and 5 are in service. As such, they can provide separate interim maintenance to the applicant. For the aforesaid reasons, the applicant prayed to grant interim monthly allowance along with medical expenses and house rent to the total tune of Rs. 20,000/-per month.

03] The non-applicants have strongly resisted the application merely on the ground that, all the allegations made in the application are false and frivolous. They did not desert

the applicant. Further, it is submitted that, applicant with her own sweet choice residing separately from the non-applicants. She herself deserted him. She denied to reside with him. There is no such type of ill-treatment at the hands of non-applicants to applicant. All the averments and allegations in that respect are carved out only with an intention to initiate the present proceeding. As such, they prayed to reject the application.

04] Heard learned Adv. for the applicants Shri. D. K. Sonawane and learned Adv. Shri. R. R. Patil for the non-applicants.

05] The applicant has made a special application at Exh. 19 before the Court claiming salary slip of certificate of the non-applicant no.1. On merits the said application is decided and non-applicant was directed to produce his latest salary slip. The non-applicant has not followed this direction. Therefore, the averments made by the applicant has to be taken as it is. It is the contention of the non-applicants no. 2, 4 and 5 are working and their independents source of income. This fact is not denied by the non-applicants. It is the responsibility of the non-applicant no.1 to maintain his wife.

6] Considering the rival submissions of the parties, it transpired that, both have admitted their relationship with each other. It is further admitted that, the applicant is residing separately from the non-applicants. From the contents of

application, it appears that, the marriage of applicant was solemnized with non applicant on 21/05/2017. Generally considering Indian scenario no lady without justified grounds would leave her matrimonial home. However, they have not filed any cogent and reliable evidence in support of their contention. Furthermore, they have contended that the applicant is able to maintain herself. The contentions is not supported by either oral or documentary prima facie proof.

07] For deciding the rival contentions, evidence will have to be lead by both the parties. It will take considerable time for the decision. It is obvious that, as applicant is living with her parental house for her livelihood, she need some alimony. So also it is the legal, social and moral responsibility of the non-applicants to maintain his wife.

08] Though the applicant has claimed house rent, she has approached the Court with a case that applicant is residing with her parents at her house. Her, willingness to reside separately is not on record. Also the applicant has claimed medical expenses. But no documentary proof for any specific disease is filed on record. In these circumstance,. I do not find it necessary to grant either house rent or separate medical expenses. The regular amount of interim maintenance would be covering even the medical expenses. The urge for separate house is not even pleaded either in this application or in the main application. Hence, I pass the following order.

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:: ORDER ::

1. The interim application is partly allowed.
2. The non-applicant no.1 shall provide the interim maintenance to the tune of Rs. 5,000/- (Rupees Five Thousand Only) per month to applicant till final disposal of the application.
3. Copy of this order be furnished to both the parties and P. I. of concern police station free of costs as per Section 24 of the D.V.Act.

Place : Kalwan.
Date : 10/08/2018.

Sd/-xxx
(Ms. Swara S. Parakhi)
Judicial Magistrate, F.C.,
Kalwan.