

**EX-PARTE INTERIM ORDER ON APPLICATION FILED**  
**U/SEC.23(2) OF PWDV ACT**

This application is filed by the petitioners under Sec.23(2) of PWDV Act seeking ad-interim order for maintenance of Rs.50,000/- to the petitioners.

2. In the affidavit accompanying the application it is contended that petitioner is the legally wedded wife of the respondent No.1 and after the marriage she has been subjected to domestic violence at the hands of the respondents. It is further contended that, the respondent No.1 is having a sufficient source of income and he is capable to provide maintenance, but in spite of that he is not providing any maintenance to her and her child. Hence, this application.

3. Heard and perused the materials available on record.

4. In order to get relief the petitioner has to make out a prima facie case. In support of her contention she has produced marriage photographs and marriage certificate to show that she is the legally wedded wife of the respondent No.1 and also produced birth certificate of petitioner No.2. On perusal of materials available on record, affidavit of the petitioner, prima facie it appears that

the respondent No.1 is the husband of petitioner No.1 and and from the wed lock they have 2 children and she has been subjected to domestic violence at the hands of the respondents. From the assets and liability affidavit produced by the petitioner it is clear that the petitioner No.1 is employed and petitioner No.2 is minor and another child is major and both children are in the care and custody of the petitioner No.1 and they are studying. It is alleged that the respondent is subjecting the petitioners to mental and physical torture. Although these allegations require to be proved by the petitioner No.1 it is prima facie clear that the respondent No.1 has neglected the children in spite of having sufficient income. Under these circumstances this court is of the view that the petitioner No.1 has made out prima facie case of domestic violence against the respondents.

5. Further, in a reported decision **Shyamlal Devuda and others V/s Parimala**, the Hon'ble Supreme Court of India has held that while issuing a notice to the respondents the court has to be prima facie satisfied that there are prima facie materials to show that the respondents have caused an act of domestic violence against the petitioner. In this case, no such specific allegation has been made against the respondents No.3. Hence, the petition against the respondents No.3 is not

maintainable and liable to be dismissed. The main object of this enactment is to provide social justice to the women and children. Hence, this court proceeds to pass the following :

**ORDER**

The petition filed by the petitioner against respondents No.3 is dismissed. The office is hereby directed to delete the name of respondents No.3 in the petition by carrying amendment.

The respondent No.1 is hereby directed to pay maintenance of Rs.5,000/- p.m. to the petitioner No.2 from the date of the petition till filing objection of respondent No.1 & 2.

Issue notice to respondent No.1 & 2 on main petition and IAs through CDPO and RPAD, if PF is paid and call for DIR.

Call on 20.09.2024.

***JMFC (Traffic Court-VI),  
Bengaluru.***

Crl.Misc.182/2024