



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 1670 OF 2025

Reena Hrishikesh Chaudhari

VERSUS

Hrishikesh Shivaji Chaudhari

Mr. P. K. Palve, Advocate for petitioner

Mr. H. S. Surve and Mr. K. H. Surve, Advocate for respondent

CORAM : R. M. JOSHI, J.

DATE : 10th JUNE, 2026

PER COURT :-

1. Heard learned counsel for both sides.
2. This petition takes exception to the order dated 12.12.2024 passed PWDVA Application No. 700 of 2023 by Judicial Magistrate First Class, Aurangabad and confirmation thereof by order dated 22.09.2025 by the Appellate Court in PWDVA Appeal No. 9 of 2025.
3. Learned counsel for petitioner at the outset submits that learned Magistrate has committed error in rejecting the application filed by the petitioner for seeking house rent from respondent-husband. According to him, learned Magistrate recalled the application on the ground that there is no pleading with regard to the stay of the petitioner at some other place other than her matrimonial home and that her claim is not supported by the document. According to him, the said order

passed by the Magistrate was challenged by filing appeal being PWDVA Appeal No. 09 of 2025 before Additional Sessions Judge, Aurangabad. It is his submission that learned Sessions Judge ought to have permitted the petitioner to amend the application and to produce documentary evidence before the Magistrate and should have relegated the matter back for decision afresh.

4. Learned counsel for the respondent-husband opposes the petition by praying that perusal of the petition under Protection of Women from Domestic Violence Act (for short "PWDV Act") filed before the Trial Court indicates that two different addresses are provided therein. Apart from this, it is his submission that it was the responsibility of the petitioner to place before the Trial Court adequate evidence in order to support her claim of rent. Moreover, it is his submission that the petitioner-wife has failed to place on record the period in which she was residing in the premises. However, the document placed before the Appellate Court indicates some different period than the one for which rent was claimed. It is submitted that in the facts of the case, it cannot be said that the Trial Court or the Appellate Court has committed any error in rejecting the application of the petitioner.

5. Perusal of the record indicates that the application was moved by the present petitioner in the proceeding bearing PWDVA

Application No. 700 of 2023 filed under the provisions of PWDVA Act. It is thereafter the petitioner claims that she left the matrimonial home and is residing at Aurangabad. In so far as the pleadings are concerned in the proceedings under the Domestic Violence Act, the Magistrate should not have adopted a hyper technical approach having regard to the nature of proceedings. Learned Sessions Judge also ought to have permitted the applicant/petitioner herein to amend the application and to make necessary pleadings and to support the same with documentary evidence. This Court therefore, finds substance in the contention of the learned counsel for the petitioner that this is a fit case for setting aside the impugned orders and relegating matter back to the magistrate for decision afresh by permitting the petitioner to amend the application and also to produce documentary evidence to support the same.

6. In view of the above, petition stands allowed. Impugned orders dated 12.12.2024 and 22.09.2025 stand set aside. Application filed by the petitioner is relegated back to the Magistrate for decision afresh. Petitioner be permitted to amend the application and also to produce documentary evidence to support her claim. Needless to say that all points/contentions sought to be raised by both sides are specifically kept open.

7. Petition therefore, stands allowed in above terms.

8. Needless to say that this Court has not expressed any opinion on the merits of the case. Trial Court to decide the application on merit in accordance with law.

(R. M. JOSHI, J.)

B. S. Joshi