

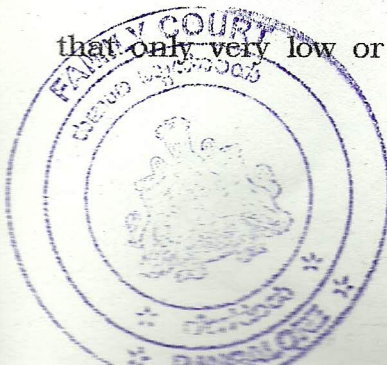
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C.Misc.No.14/2009

gainfully employed, he has not disclosed as to where she is working and how much income she is getting. No documents or prima facie materials are placed on record to show that the 1st petitioner is gainfully employed or capable of maintaining herself.

7. However there is no dispute that the 1st petitioner has filed petition in C.Misc.No.14/2008 on the file of MM (Traffic Court - 1) Mayohall, Bangalore under sec.12 of Domestic Violence Act and has obtained order of interim maintenance at Rs.2,500/- for herself and 2nd petitioner from 9-1-08 against the respondent. The said order is still in force. Sec.20(1)(d) of Protection of Women from Domestic Violence Act (D.V.Act) provides for aggrieved person (petitioners herein) to obtain an order of maintenance under the provisions of D.V.Act in addition to an order of maintenance under sec.125 of Cr.P.C. But second proviso of Sub-Sec.(1) of Sec.125 of Cr.P.C. does not enable this court to pass an order of interim maintenance in addition to the interim maintenance already granted under sec.20 of D.V.Act. The petitioners have already availed relief under secv.20 of D.V.Act and therefore, their claim for interim maintenance under sec.125 (1) of Cr.P.C. cannot be considered as reasonable or proper.

8. It is argued by the learned advocate for the petitioners that ~~only~~ very low or normal interim maintenance at Rs.2,500/-



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