

IN THE FAMILY COURT NO. 2, PUNE

PETITION A NO.49-2025
(CNR : MHFC -1200-0096-2025)

1] [REDACTED] Petitioner
Vs.
2] [REDACTED] ---- Respondent

ORDER BELOW EXH.12
(Passed on 2nd January, 2026)

1. This is an application filed by petitioner restraining respondent from visiting society of the petitioner or entering in the house of petitioner and disturbing mental peace of petitioner and his family members.

In brief facts are as under:-

2. Petitioner has filed main petition for dissolution of marriage on the ground of cruelty and adultery, in which, he has filed this application. It is the contention of petitioner that respondent treated him with cruelty, she is living adulterous life, hence, he has filed this petition. It is his further contention that after filing of this petition, notice issued to respondent. When the said notice served upon her respondent lost her temper and refused to accept the notice. She visited his society and damaged C.C.TV camera. It is also his contention that respondent went to such extent that she took camera as well as card along with her and now it is in her possession. It is his further contention that presently respondent No.1 is residing at her parental home. She frequently visited the house of petitioner and used to create ruckus. She used to threaten him to commit suicide. It is his further contention that on 26/02/2025, around 1.10 p.m. respondent No.1 visited the house of petitioner and started ringing door bells. Her behaviour was violent.

She was continuously called his younger brother. It is also contended that around 1.25 p.m. respondent went towards refugee area and with the help of a ladder rotated the C.C.Tv camera No.1 manually and damaged the C.C.TV camera. Her act has been captured in another camera. He has produced those photographs before the Court. It is also his contention that when respondent realised that she has been captured in C.C.TV camera No.2 while damaging camera, she again went to such extent that she disconnected C.C.TV camera No.2. It is also pleaded that respondent made attempt to open the security door by damaging it with the sharp object. It is also contended that he took help of police and called police. One police officer Vikas Avaghade tried to explain respondent not to do such act, however, respondent refused to listen him and told him that she sought legal advice to break the door. It is also his contention that he has recorded the incident. After repeated request of police, respondent removed herself from the place. He has reported the matter to the police. It is also his contention that again on 3.54 p.m. respondent No.1 tried to call the petitioner on his personal mobile. Though he requested her about the pending matter, she refused to listen anything. Again he was compelled to approached Sant Tukaram Police Station, Pimpri to lodge the report.

3. It is his contention that by one or other way, respondent No.1 is creating ruckus, which caused adverse impact on children. So also, her unwarranted visits also caused disturbance to him and his family members. Respondent No.1 threatened him to file false complaint against him and his family members. In such circumstances, it is necessary to restrain her from coming to the society of his residence or entering the house and disturbing the

mental peace of him and his family members. Hence, he has filed this application for injunction.

4. Respondent resisted this application by filing her say at Exh.20. Respondent has denied all the averments of the application and contended that petitioner has made false allegations against her. Application for injunction itself is misconceived and devoid of merit. It is also contended that for the welfare and well being of children she wants to give love and affection to the children, however, petitioner is having dominating nature, he is not allowing her. He made false and baseless allegations against her. It is also her contention that it is not in the interest of well being and welfare of the children. They shall not be with petitioner, as petitioner is addicted of liquor. It is her contention that in presence of seven year's minor son, petitioner consuming and smoking hooka and placing the hookah pipe in the child's mouth and compelling him to inhale and exhale smoke. It is also her contention that the conduct of petitioner towards children is not proper. Petitioner forcibly pushing his minor son's head down, compelling him to consume an alcoholic beverage. This act constitutes a serious violation of legal and moral standards. It is her further contention that she had visited society, however, she has denied the allegations made against her regarding damaging of C.C.TV. It is her contention that there is absolutely no evidence to show that she has damaged C.C.TV unit. In fact, she was adjusting camera. It is also her contention that being parent, it is her right to protect minor children from criminal harm. So, for the purpose of security of children, she has every right to take steps. Hence, she prayed to reject the application and also claiming declaration that she has right to enter or to have access of children at their residence.

5. Heard Ld.Counsel for both sides.
6. Considering the rival contention, following points arise for my determination and I record my findings thereon for the reasons given below :-

Sr. No.	POINTS	FINDINGS
1.	Whether applicant made out prima-facie case to grant injunction ?	Affirmative.
2.	Whether, balance of convenience lies in favour of applicant ?	Affirmative.
3.	Whether applicant will suffer irreparable loss, if injunction is not granted ?	Affirmative.
4.	What order ?	As per final order.

REASONS

As to point No.1 to 3 :-

7. In support of contention, applicant-petitioner has filed his affidavit at Exh.13 and also produced documents below list Exh.15. It is also contended that she has damaged C.C.TV camera and forcibly tried to open the security door. It is also contended that he called police and with the help of police, he removed respondent from the place of residence. As respondent was creating ruckus and tried to disturb him and his family members, he is claiming injunction. Whereas respondent came with the contention that she has every right to visit the residence to meet the minor children. She denied the averments of the application regarding damage of Camera.

8. I have scrutinized the respective contentions of both sides and perused the documents produced on record. It is to be noted that respondent is not denying her visits to the residence of

petitioner. From the documents produced on record, it revealed that respondent visited his society. Even photographs shows that she is tampering with the C.C.TV camera. It also reflects from the record that on 26/02/2025, petitioner lodged report to Sant Tukaram Police Station, Pimpri Chinchwad, which is also regarding damaging of C.C.TV cameras by respondent. He has also filed complaint before the Police Commissioner, Pimpri Chinchwad against the respondent. Admittedly, petitioner has filed main petition for dissolution of marriage on the ground of cruelty and adultery. It is also not in dispute that at present respondent is at her parent's house. Respondent is not denying the fact of her visit to the society of petitioner. Photographs on record prima facie shows that on 26/02/2022 respondent was changing/ tampering C.C.TV camera which prima facie supports the contention of petitioner. No doubt, respondent has right to meet with her children, but, it does not mean that she can take law in hand. It is expected from respondent to adopt legal resort to take relief in her favour, however, instead of that though litigation is pending she approached to the residence of petitioner. It is the specific contention of petitioner that she has created ruckus, which caused mental disturbance to him and his family members. Naturally, such conduct of respondent would cause adverse impact on the children and also it would cause disturbance to the family members.

9. It is to be noted that while arguing matter counsel for respondent submitted that he has no objection to grant injunction, however, his only concern is regarding access of children. I have already stated in above para that she has every right to meet her children, however, she cannot take law in hand by one or other way. So far as, visiting of society is concerned, no doubt, she can not be

restrained from visiting into society. However, at the same time she can be restrained from creating any type of disturbance to petitioner and his family members. It is also necessary to restrain respondent by damaging door, camera or ringing bell continuously at the residence of petitioner. Hence, from the documentary evidence on record, the applicant-petitioner has made out prima facie case in his favour.

10. So far as balance of convenience and irreparable loss is concerned, admittedly, petitioner is living along with his family and children. According to him respondent is disturbing him, she has created ruckus. Considering this aspect balance of convenience is also in his favour. Even if the injunction is granted no loss will be caused to respondent. However, if injunction is refused and respondent is not restrained from disturbing the family of petitioner there would be loss to petitioner and his family members. Hence, in view of above discussion, I record my findings to point Nos. 1 to 3 in affirmative and in result, I proceed to pass the following order.

ORDER

1. Application is partly allowed as under;
2. Respondent is hereby restrained from visiting the residence of petitioner and disturbing mental peace of petitioner and his family members by any way.
3. Parties to bear their own costs.

Pune

Date : 02/01/2026



(K. V. Thakur),
Judge,

Family Court No.2, Pune.

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