

**IN THE COURT OF SUB-DIVISIONAL JUDICIAL MAGISTRATE(S)
TINSUKIA**

Present: Sukanya Gogoi, AJS, SDJM(S), Tinsukia

Date of Judgment: 20.07.2026



Miscellaneous (DV) Case No. 28/2025

An application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 dated 25.11.2025



Applicant/Aggrieved Person	Smti. Sunita Devi W/O Sri. Ram Pravesh Singh R/O. Hijuguri, near Loa Mandir, PO- Hijuguri, P.S: Tinsukia, Dist.: Tinsukia
REPRESENTED BY	Adv. Smt. Urmila Verma
Respondent	Sri Ram Pravesh Singh S/O. Lt. Nagendar Singh, R/O VIP Road, Hijuguri, PO-Hijuguri P.S & Dist.: Tinsukia
REPRESENTED BY	---


Sub-Divisional Judicial Magistrate
(Sadar) Tinsukia

Evidence recorded on: 22.06.2026

Final hearing heard on: 06.07.2026

Final Order delivered on: 20.07.2026




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FINAL ORDER



1. The instant proceeding has been initiated by virtue of an application filed by the aggrieved person, Smt. Sunita Devi, (hereinafter referred to as 'the aggrieved') under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as "the Act") against the Ram Pravesh Singh (hereinafter referred to as 'the respondent') praying for the grant of an amount as monthly maintenance from him.

Aggrieved Person's Narrative of the Facts in brief:

2. The aggrieved introduces herself as the legally wedded wife of the respondent and has narrated the basis of her prayer under the following factual scenario: as follows:

- (i) That, her marriage with the respondent was solemnized on 06.11.2012 at her parental residence according to Hindu customs and rituals. After the marriage, both parties began their conjugal life while residing in a rented house at Hijuguri Gaon. She further stated that the marital relationship initially remained cordial and they were blessed with a girl child, Jyoti Kumari, born on 18.02.2014, who was presently studying in Class VI at Hijuguri Assamese School.

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(ii) That, after about three to four months of the birth of the child, the respondent subjected her to mental and physical cruelty and frequently returned home in a drunken condition. She stated that the respondent often visited his native place in Bihar and failed to provide her and the minor child with basic necessities of life. She further stated that upon his return from Bihar, his behaviour deteriorated and he regularly came home late at night, mostly in an intoxicated condition, and inflicted physical torture upon her.

(iii) That, during the lockdown and COVID-19 period, the respondent's acts of assault increased. He demanded money from her and, upon her refusal, assaulted her. She also stated that on certain occasions he assaulted their daughter and abused the complainant using filthy language. In the year 2022, she was allegedly assaulted severely by the respondent, compelling her to leave the matrimonial home. She thereafter began residing in a rented house along with her daughter and worked as a maid to earn her livelihood.


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(iv) That, even after she shifted to rented accommodations, the respondent frequently visited her residence, abused her in filthy language and assaulted her, due to which she had to change multiple rented houses. In July 2025, upon the death of her brother, she went to her parental home for rituals, where the respondent also arrived. She alleged that during this period, the respondent assaulted her, used filthy language, and also assaulted her brothers and relatives.

(v) That, in October 2025, the respondent visited her rented house, threatened her, abused her in filthy language and threw a chair at her, causing injuries. She stated that the respondent worked as a rickshaw puller earning approximately Rs. 600 per day and, during the marriage season, works in a hotel as a sweet maker earning around Rs. 20,000 per month. She submitted that due to the respondent's behaviour, she had been suffering both mentally and financially.

(vi) That, the aggrieved had therefore prayed for a sum of Rs. 8,000/- (Rupees Eight Thousand) only per month as maintenance allowance from the respondent.

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3. Upon registering the petition, a notice was served upon the respondent to grant him an opportunity to lay down his side of the facts. However, neither the respondent nor any legal representative on his behalf appeared before the Court. Therefore, the case was ordered to proceed ex-parte against the Opposite Party vide order dated 21.05.2026. Thereafter, the aggrieved submitted evidence on affidavit of herself as PW-1, following which I heard the submissions moved by her engaged counsel on her behalf and the matter proceeded to the present final order.



4. **Point for Determination:** After a thorough perusal of the case record, the following points for determination are framed for adjudication of the alleged dispute:

- i. *Whether the aggrieved is entitled to a sum of Rs. 8,000/- per month towards the maintenance of herself and her minor daughter from the respondent u/S 12 of the PWDV Act?*

DISCUSSIONS, DECISIONS AND REASONS THEREOF

5. Before we delve into the analysis of the evidence let us go through the relevant provision of the Act. The petition has been brought under section 12 of the PWDV Act, 2005 which reads as follows:


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"12. Application to Magistrate.—

(1) An aggrieved person or a Protection Officer or any other person on behalf of the aggrieved person may present an application to the Magistrate seeking one or more reliefs under this Act: Provided that before passing any order on such application, the Magistrate shall take into consideration any domestic incident report received by him from the Protection Officer or the service provider.

(2) The relief sought for under sub-section (1) may include a relief for issuance of an order for payment of compensation or damages without prejudice to the right of such person to institute a suit for compensation or damages for the injuries caused by the acts of domestic violence committed by the respondent: Provided that where a decree for any amount as compensation or damages has been passed by any court in favour of the aggrieved person, the amount, if any, paid or payable in pursuance of the order made by the Magistrate under this Act shall be set off against the amount payable under such decree and the decree shall, notwithstanding anything contained in the Code of Civil Procedure, 1908 (5 of 1908), or any other law for the time being in force, be executable for the balance amount, if any, left after such set off.

(3) Every application under sub-section (1) shall be in such form and contain such particulars as may be prescribed or as nearly as possible thereto.

(4) The Magistrate shall fix the first date of hearing, which shall not ordinarily be beyond three days from the date of receipt of the application by the court.

(5) The Magistrate shall Endeavour to dispose of every application made under sub-section (1) within a period of sixty days from the date of its first hearing."



6. In the patriarchal backdrop of an Indian society, a man has been bestowed with the responsibility to look after and maintain his family. The bond of a parent and child has been placed in a sacred pedestal within the rich culture and traditions of our country. Even in today's modern era, such a relationship is still deemed to be one of the primary pillars that support

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the fabric of the society. Unfortunately however, as is the nature of human relationship, even the relationship between a parent and child suffers from strain and deteriorates as a result of various factors and choices made by each party. The law in its dynamic nature took note of the growing discord in families and the plight of the women, children and aged old parents who are neglected in different stages of life and are unable to survive on their own. Thus assured an era of protective legislations for safeguarding of the rights of these abandoned people in order to protect them from destitution and vagrancy.



Point for Determination no. (i): Whether the aggrieved is entitled to a sum of Rs. 8,000/- (Rupees Eight Thousand only) per month towards the maintenance of herself from the respondent u/S 12 of the Act?

7. In her evidence on affidavit, PW-1, the aggrieved herself, has reiterated the facts as she had stated in her petition in verbatim.
8. As the Respondent remained unrepresented in spite of having been given an opportunity to lay out his side of the facts and to challenge those put forward by the aggrieved, there is nothing in the evidence to disprove or contradict the version of facts as recounted by the aggrieved.

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9. I have heard the engaged Counsel for the aggrieved, who has succinctly stated that the aggrieved is in urgent need of relief as she does not have any independent source of income to support herself and her daughter.

10. I have perused the petition and have thoroughly considered the statement of the Aggrieved that was made on affidavit. I have also perused all the documents annexed therewith and have found that they fully support version of facts as narrated by her. In the absence of any evidence to the contrary, it can be inferred that the aggrieved who is the wife of the respondent had suffered through physical and mental abuse and financial neglect at the hands of her husband when she shared her matrimonial home with him.

11. The aggrieved had managed to support herself and her minor daughter in spite of not having a stable source of income with no assistance from her husband. I have also perused the affidavit of disclosure of assets and liabilities of the aggrieved. She has submitted that the respondent works as a rickshaw puller earning approximately Rs. 600/- per day and, during the marriage season, works in a hotel as a sweet maker earning around Rs. 20,000 per month.



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12. I have perused the relevant documents that have been exhibited by the aggrieved in support of her submissions. She has not been able to support her contention of the earning capacity of the respondent with any documentary evidence especially with regard to his seasonal income.

13. Therefore, keeping in the same in view while considering the prayer of the aggrieved as well as the growing market prices of daily consumer goods and basic amenities and the current cost of living and the un rebutted submissions of the aggrieved, I am of the opinion that a monthly maintenance of Rs. 2,000/- (Rupees Two Thousand only) per month towards the maintenance of the aggrieved and another amount of Rs. 2,000/- (Rupees Two Thousand only) per month towards the maintenance of their minor daughter i.e a total amount of Rs. 4,000/- per month (Rupees Four Thousand only) should suffice to support the sustenance and maintenance of the aggrieved and her minor daughter.

ORDER

14. In the light of the discussions made above and the decisions arrived at, the Respondent is directed to pay a total amount of Rs. 4,000/- (Rupees Four Thousand only) per month to the aggrieved (Rs. 2000/- for the aggrieved and Rs. 2000/- for the

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minor daughter), as monthly maintenance from the date of this application i.e 25/11/2025.

15. The respondent shall comply with the aforesaid Order within one (1) month from the date of intimation of the instant order.

16. As the matter was decided ex-parte, the aggrieved is directed to take requisite steps to notify the Respondent of the final order passed by this Court immediately.

17. Let copy of this judgment/final order be provided free of cost to the aggrieved for intimation and compliance.



Pronounced by me in this open Court on this 20th day of July, 2026 and given under my hand and seal of this Court.

(Typed by)

Nizumoni Sarmah,
Stenographer (Gr. II)
Court of SDJM (S), Tsk

Sub-Divisional Judicial Magistrate

(Dictated by)

Sukanya Gogoi

S.D.J.M (S),

Tinsukia

APPENDIX

A. Aggrieved Person's witnesses:

RANK	NAME	NATURE OF EVIDENCE
PW 1	Smt. Sunita Devi	Aggrieved

B. Respondent's Witnesses: NONE

C. Court Witnesses: NONE

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Aggrieved Person's exhibits/annexures: NONE

B. Respondent's exhibits/annexures: NONE

C. Court Exhibits: NONE

D. Material Objects: NIL




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(Sadar) Tinsukia
(Dictated by)

Sukanya Gogoi
S.D.J.M (S),
Tinsukia