

Radha Vs. Vikas Sehgal & Others

Present: Ms. Asha Arora, counsel for complainant.
Sh. Sukhvinder Singh, counsel for respondents no. 1, 2 and 4.
Respondent no. 3 ex-parte vide order dated 25.07.2018.

Order:

This order of mine shall dispose of an application filed by applicant under Section 23 of Protection of Women from Domestic Violence Act, 2005 for grant of interim reliefs.

2. Petitioner is married to the respondent on 08.08.2014 as per Hindu rites and rituals and at the time of marriage of the petitioner, family member of the petitioner had incurred expenditure of Rs. 3,00,000/-. It is also stated that this is the second marriage of the petitioner and the marriage was arranged with the help of Deepa Marriage Bureau. Petitioner has also stated that she is having one daughter from her previous marriage. It is alleged that after 3-4 months of marriage, petitioner was physically abused and was taunted on her second marriage by her brother-in-law and her sister-in-law. It is also alleged that she was also physically assaulted when she was pregnant and she miscarried the child. Petitioner was constantly harassed for not bearing the child by her in-laws. It is also alleged that respondent Vikas Sehgal is habitual to drinking and used to beat the petitioner under the influence of alcohol. There was demand of Rs. 2,00,000/- by the respondent. Petitioner had previously approached the police for help but the matter was compromised between the parties, however, respondent refused to mend his ways. Respondent has neglected the petitioner and is not maintaining her. It is stated that respondent is a tailor and is earning Rs. 25,000/- per month rather petitioner is not having any independent source of income to maintain herself. Repeated attempts at reconciliation failed. Hence, the present complaint.

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3. On the other hand, the fact of legal relationship of petitioner with respondent is admitted by the respondent. However, it is submitted that the present application has been moved by the petitioner concealing material facts. All facts alleged by the petitioner like harassment, beating, torture and forcing her to live outside her matrimonial home are concocted by the petitioner as the respondent never maltreated the petitioner in any manner. Petitioner has filed the present case only to harass the respondent. It is submitted by the respondent that petitioner is not unemployed and is currently working in a salon which she herself has admitted in the case titled as State Vs. Vikas Sehgal which is also pending in another court. It is also submitted that several compromises were arrived between the parties and applicant has also executed affidavits in regard to her dowry articles wherein she has admitted that all the dowry articles were returned by the respondent. In the said affidavit, petitioner also assured the respondents that she will not file any case against the respondent as per the terms of the compromise. Respondent has denied the facts that he is earning Rs. 25,000/- per month rather it is stated that he is unemployed and is not in position to provide any maintenance. Denying each and every averment on merit, it has been prayed that instant application deserves dismissal.

4. Heard. Record perused.

5. It is an admitted fact that petitioner is lawfully wedded wife of respondent. During the arguments, respondent has admitted in the court that he is working as a tailor, however, it is stated that his work is a seasonal work and he hardly earns Rs. 6,000 to Rs. 7,000/- per month. The fact of petitioner working in a salon, though admitted on record, there is no proof regarding the income of

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petitioner from the same. Here it is pertinent to mention that the purpose of beneficial legislation like Domestic Violence Act, 2005 is providing maintenance to mitigate the sufferings of discarded and deserted woman to avoid destitution and vagrancy. In the present case, the marriage is admitted between the parties. The petitioner has stated that she has no source of income. She also submitted that the respondent is earning Rs.25,000/- per month from his tailoring work. The factum of respondent being a tailor and being gainfully employed has been admitted in the reply filed by him. However, he has denied earning Rs.25,000/- per month. The submission that petitioner is working in a beauty parlor in itself can not be ground in itself to absolve the respondent from his responsibility to maintain his wife. There is nothing on record to suggest that petitioner has taken an amount of Rs. 2 lacs from the respondent on account of compromise as alleged in the reply and this can only be decided after evidences are led by both the parties. The petitioner is legally wedded wife of the respondent and he is duty bound to maintain his wife.

6. Therefore, in view of above discussion, taking into consideration the financial status of the parties and the responsibility of respondent to maintain his wife, who is unable to maintain herself, respondent is directed to pay Rs. 2,000/- per month to the petitioner as interim maintenance from the date of filing of the petition. The application is hereby disposed of accordingly.

6. In the light of the above discussion, application in hand is allowed in the aforesaid terms. Now to come up on 28.11.2019 for evidence of petitioner as well as payment of interim maintenance.

21.09.2019
Dheeraj

Dheeraj
Stenographer Gr. III

Meenakshi Yadav
JMIC/Faridabad
UID No. HR-0342

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