

IN THE COURT OF NEHA SHARMA,
CHIEF JUDICIAL MAGISTRATE, DISTRICT UNA, HP.

Case Type	Domestic Violence Act
Registration No.	90/2022
Case Year	2022
CNR No.	HPUN02-010425-2022
Date of filing	14.09.2022
Date of Decision	25.02.2026

Kiran Bala w/o Jarnail Singh r/o village Daroli Uparli
Tehsil Nangal District Ropar (Pb.) at present residing
with her father Bishan Dass s/o Sh. Manohar Singh r/o
village roar Tehsil Haroli District Una H.P

...Petitioner

Versus

- 1.Jarnail Singh s/o Mukhtiar Chand r/o Village Daroli
- 2.Soma Devi W/o Makhtiar chand
3. Manjeet Kaur w/o Tikal Raj r/o Village Daroli Uparli
Tehsil Nangal District Ropar, Punjab.

...Respondents

**Application under Section 12 of Protection of Women
from Domestic Violence Act**

Counsels present

For Applicant	Ms. Renu Sharma, Ld. Advocate.
For Respondent	Sh. Jagdeep Sahajpal, Ld. Advocate.

JUDGMENT

1. In the present case the applicant has filed the present application under Section 12 of the Protection Of The Women from Domestic Violence Act 2005. It is averred that the marriage of the petitioner with the respondent No.1 was solemnized on 19.10.2019 at village Rora Tehsil Haroli District Una H.P. in accordance with Hindu rites. The marriage was duly consummated at village Daroli and out of wedlock of the parties twin children were born on 19.09.2020 namely Ranveer Singh and Tarveer Singh aged 2 years. The respondent no.1 is the husband of petitioner, respondent no 2 is the mother-in-law and respondent no 3 is the sister-in-law (zethani) respectively and all the respondents live in a joint Hindu family. It is averred that the respondent no 1, the husband of the applicant by profession is a driver and operating J.C.B at Dubai and earning Rs.2,00,000/- per month after the marriage, the applicant lived with respondent No.1 as husband and wife at village Daroli upto month of Feb 2020. and thereafter went to abroad. It is averred that the behaviour of the respondents turned hostile and started humiliating and torturing the Complainant. The Complainant was taunted and name called by saying remarks that "TUM BHUKHE GHAR SE AAYI HAI" "GARIBON NE DAJJ ME MEHGI/ ITEMS NAHI DI Hai "DAJJ ME GADDI NAHI DI "TU KALI HAI KALUTY HAI". The respondent no.2 and 3 used to taunt her that

her parents had not given Rs. Two lacs other dowry articles and Jewellery to the elders whereas gold ring to respondent no 2, gold ring to brother in law (devar)gold chain and wrist watch to respondent no1 and gold mutter mala to grandmother were given by the parents of the petitioner. The respondents threatened her and she was not allowed to live in the house despite being pregnant and was shunted out. It is averred that she delivered twins in Krishna hospital Una and none from the respondents came to see the newly born children. The respondent No.1 of the husband of petitioner returned to India in the month of July 2022 and did not meet her and also did not pay any money to the petitioner and children towards maintenance but on the other hand he openly proclaimed that the children donot belong to him. The omission, and conduct of the respondents have caused harassment and endangered the aggrieved person ,and still intending to cause physical and mental harassment. The applicant reported the matter to police station women cell Una and Rapat was registered vide Rapat No. /GD No.015 dated 29.08.2022 and seeing the matter of Domestic violence they referred the matter to CDPO Haroli, but the respondents are still intending to cause physical and mental harassment to the complainant and her relatives. Thus, prayed that the present application be allowed.

2. In reply, it is averred that the respondent no.1 was driver and went to Dubai in 2020 and in March 2020 COVID-19 Pandemic, hit the work of whole of the world and all the countries stopped the working activities in order to safeguard the spread of COVID-19. The service of the respondent was terminated due to lack of demand and due to the affect of COVID-19 on the account of economy. The respondent no.1 came back to India and since then he is jobless. Now the respondent is working outside the village on temporary basis. The respondent also has liability of his mother and grandmother. The respondent now has got a job and is earning only 10000/- per month. The respondent has to maintain his mother and grand mother and also to pay to applicant, the maintenance granted. The petitioner at her own has left the company of the respondent. The respondent so many times offered the petitioner back to his home but the petitioner on one or the other pretext refused to live with him. The respondent has given three bed room's house at the first floor along with courtyard in family arrangement and the respondent asked the petitioner to live with him, but the petitioner is not ready to live with the respondent in that house and is pressuring the respondent to purchase house at a distance. The respondent is unable to fulfill such demand of the petitioner as he is a petty driver. The applicant has already filed application under Section 125 Cr.P.C. and she is already awarded an amount of Rs

2000/-. The respondent has never taunted the petitioner and never leveled such allegations against the applicant, however, she is residing at the house of her brother in law. The respondent wants to keep the applicant with him. The petitioner has left matrimonial home at her own. The respondent no.1 came in India in July 2020. The respondent has offered respect to the applicant and is also having love and affection with the children, but the petitioner no.1 does not want to keep the relations with respondent. The respondent wants to keep the petitioner in matrimonial home. The petitioner has moved an application and the respondent appeared before the women cell and the respondent offered the petitioner to reside with him but the petitioner refused. Hence, prayed that the petition be dismissed.

3. For the purpose of brevity following issues are framed. However for the clarity in the present case following issues are framed.

1. Whether the petitioner/applicant has been treated with acts of domestic violence by the respondents, as prayed? ...OPP
2. Whether the petitioner is entitled to the protection order against the respondents restraining them from committing any acts of domestic violence under Section 18 of the Domestic Violence Act, as prayed? ...OPP

3. Whether the petitioner is entitled to the residence order under Section 19 of the Domestic Violence Act restraining the respondents from dispossessing her from the house, as prayed?...OPP
4. Whether the petitioner is entitled to the monetary relief under Section 20 of the Domestic Violence Act, as prayed? ...OPP
5. Whether the petitioner is entitled to the compensation under Section 22 of the Domestic Violence Act from the respondents, as prayed on account of mental torture and emotional distress caused to her due to illegal acts of respondents, as prayed? ...OPP
6. Whether the applicant is not entitled to any relief so claimed against the respondents, as alleged?...OPR
7. Relief.

4. **PW-1 Kiran Bala**, tendered her affidavit Ex-t.PW-1/A wherein she reiterated the version as mentioned in the complaint. In her cross-examination she admitted that from June 2020, she is residing separately from the respondent in her parents house. She admitted that the respondent went to foreign country in February 2020 however she does not know when he came back.

She stated that she does not know due to COVID-19 her husband came from the foreign country or not. She stated that there is room on the first floor of the house of the respondent, self stated that there is no verandah, but there is only a courtyard. She admitted that her room on the first floor is permanent and there is tiles over it. She admitted that the respondents asked her to remain on the first floor. She admitted that when her husband resides on the ground floor then why should she remain on the first floor. She stated that she went to resides in ground floor. She stated to be incorrect that she was pressurizing the respondent to take separate land. She also admitted that she has provided Rs.2,000/- maintenance per month. She admitted that when she filed a complaint in a police station then Jarnail came there and told that they will live on the first floor of the house. She admitted that the maternal grandmother of the respondent is still alive and she can walk. She stated that she has one brother-in-law and two elder brother-in-law and two sister-in-law. She stated that in two rooms there is material of her sister-in-law who resides there and on the first floor two rooms are of her brother-in-law and there is one room which is vacant. She stated that even if her husband agrees to resides with her still she wants to reside in the ground floor. She admitted that on the ground floor her sister-in-law is residing and in the other two rooms her elder sister-in-law is residing. She stated that

she use to earn Rs. 4000/- while working from 8:20 to 9 till 5 to 6 pm. She stated that she has twins and it has been five years when she met her husband and both the children are studying in school, self stated that she used to go to her parental house. She stated that Jarnail has come from foreign country and now he has machine. She stated that her sister-in-law use to tell her to get children aborted, self stated that her mother-in-law also used to tell her to do the same. She stated that she does not know in which month dispute with her mother-in-law took place. She stated that her husband used to come with the middle man Sonia. She stated that she has not seen her father-in-law, self stated that he has got expired, again stated after that her mother-in-law and grandmother-in-law both are dependent upon Jarnail. She stated that she has filed an application under Section 125 of Cr.P.C. She stated that even if now she has given the first floor room, she is not ready to go there.

5. **PW-2 Shubla Devi** tendered her affidavit Ex-t.PW-2/A wherein she supported the claim of the petitioner in her cross-examination she stated that she is residing with her husband and petitioner was married to the respondent in October 2019. She admitted that Jarnail used to work in Dubai and remained there till February 2020 they were altogether later came to know that after COVID-19 Jarnail was out of job and he came out 3 years from there. She stated that Jarnail used to live on

the first floor. She admitted that petitioner used to tell that she will reside in the ground floor. She stated that in her presence Kiran Bala had never told her to reside in the ground floor. She stated that she does not know how much money Jarnail earns per month. She also stated to be correct that the demand regarding the money made by respondent was not made in her presence. She also stated that she does not know regarding any incident where the domestic violence was inflicted upon the complainant. She stated to be incorrect that Jarnail and his mother used to ask Kiran to reside with them, self stated that only Jarnail used to tell her. She stated to be incorrect that Kiran refused to reside in the house of the respondent, self stated that though she wanted to reside on the ground floor.

6. In order to controvert the evidence of the petitioner **RW-1 Soma Devi** tendered her affidavit Ext.R-1/ RW-1 wherein she reiterated the averments so made in the reply. In cross-examination she stated that she has studied till 5th standard and it has been 5-6 years of her son's marriage. He stated that she cannot say after how much time of his marriage his son went to the foreign country, self stated that after the marriage he went and now he has again come back. She stated that she does not know where he resides and how much he earns. He stated that he had two sons who are 4-5 years of age. She admitted that when her son went to foreign country

the petitioner was four months pregnant. She stated that she her son used to tell petitioner that they are not his sons and asked her to get abortion. She stated to be incorrect that the entire delivery expenses were paid by the parents of petitioner, self stated that she had paid Rs.10,000/- at the time of delivery. She admitted that the respondent earns Rs.10,000/- per month. She stated to be incorrect that her sons give her money. She further stated that she had three sons and they are in foreign country. She admitted that other sons also provide her maintenance which is Rs.10,000/- to Rs.15,000/-. She stated that on the ground floor there are two rooms, kitchen, bathroom and courtyard and the same is constructed on the first floor. She stated that all the family members are residing in the ground floor and she has given two rooms on the first floor, self stated that there is no kitchen and bathroom and there is only vedrandah. She stated that she does not know that the complainant had to take her children to the washroom.

REASONS FOR FINDINGS

ISSUES NO.1 TO 5

7. The burden of proving all these issues was upon the petitioner that she is entitled for the protection order under Section 18 of DV Act and she is entitled for relief under Section 19 of DV Act and she is entitled for monetary relief against the respondents and his family members are committing acts of domestic violence

against her. It is pertinent to mention that the petitioner herself appeared as PW-1. The main dispute between the parties which can be gathered from the entire pleadings as well as from the evidence is that the house of the respondent consists of two floors and it has been admitted that the petitioner and respondent no.1 were given the rooms on the first floor to start their matrimonial life. It is also admitted by the petitioner that on the ground floor her mother-in-law, her grandmother-in-law, two sister-in-law are residing but she has admitted that she wants to reside on the ground floor stating that her children are quite young and she cannot reside on the first floor due to this. Quite surprisingly, the petitioner has levelled the allegations of Domestic Violence against the respondents on the ground that she is being tortured by her mother-in-law, sister-in-law and also the fact that she was shunted out of the house while she was four months pregnant as her husband was abroad and was not giving any maintenance due to this.

8. It is pertinent to mention that in her affidavit she has also mentioned the fact that there were demands of dowry from the respondent family and she was also insulted for not bringing any dowry and was made name called and humiliated due to this. It is pertinent to mention that in the cross-examination of this witness there was no suggestion put by the respondent regarding the demands of dowry or any acts of domestic violence

and no suggestion on this point despite availing the opportunity itself means that the allegations are admitted by the respondent. The only dispute which has arose and pointed by PW-1 and PW-2 as well as RW-1 is the place of stay of the petitioner whether it is first floor or it is the ground floor. It is pertinent to mention that in the matrimonial house of the respondent, it is admitted that the complainant and the respondent no.1 both were residing on the first floor and it is quite natural that the elder ones in the family being the old and aged are residing on the ground floor. It is not clear as to why the petitioner is adamant on her part as she so desperately wants to reside on the ground floor when she has been suitably placed on the first floor being the younger daughter-in-law in the family. It is also pertinent to mention that in her cross-examination, she has denied that as of now she does not want to reside in the same house even on the first floor or on the ground floor.

9. One factor which is noticed by this court is that the petitioner and respondent no.1 were blessed with twins sons and both of them are required to take care of them collectively but instead they have been involved in this dispute which has caused marital discord in the family. The version of the respondent that he has the responsibility of this grandmother and mother is not tenable because RW-1 has herself admitted that she has three sons and all of them are in foreign country includ-

ing respondent no.1 and that they are providing monthly maintenance of Rs.10,000/- to Rs.15,000/- to her. So, it is clearly evident that the respondent no.1 is giving his mother enough maintenance for her sustenance. Then he can also provide maintenance to his wife and his children and this maintenance has to be provided by him to the petitioner. It is pertinent to mention that the acts of domestic violence have been proved against the respondents because there is no suggestion put by the respondent to the petitioner as to whether there were any payment of dowry, any teasing, name calling to the petitioner, so, all these allegations proved on the record that the acts of Domestic Violence have been committed against the complainant, she has become entitled for the protection orders and she is also entitled for relief under Section 19 of DV Act and she is also entitled for monetary relief against the respondent no.1.

Issue no.6

10. The burden of proving this issue was upon the respondent that the petitioner is not entitled for the compensation from the respondents. As I have already held in issue no.1 to 5 above, it appears that the respondent no.1 and his family members were committing the acts of Domestic Violence against her due to which, the complainant was ousted from the matrimonial house. As such, she is entitled for the compensation of Rs.5000/- to be provided to her by respondent no.1. Hence this issue

is decided against the respondents and in favour of petitioner. As such, the petitioner's case succeeds and on the basis of which following orders are passed:-

(i) The petitioner is entitled for the monthly maintenance Rs.10,000/- which includes the expenses of petitioner as well as two sons.

(ii) The petitioner is entitled for the compensation of Rs.5,000/- to be paid once by the respondent.

(iii) The petitioner is entitled for the protection order and the respondents are prohibited from committing any acts of Domestic Violence against her .

(iv) She is also entitled for accommodation on the first floor of matrimonial house alongwith two rooms, kitchen, separate bathroom and toilet or in the alternative respondent no.1 is directed to provide her monthly rent of Rs.1000/- from the date of this order if she resides in a rented accommodation.

FINAL ORDER:-

11. As a sequel to my findings on points No. 1 to 5 above, the present application is allowed. Following orders are hereby passed in favour of the petitioners:-

(i) The petitioner is entitled for the monthly maintenance Rs.10,000/- which includes the expenses of petitioner as well as two sons.

(ii) The petitioner is entitled for the compensation of Rs.5,000/- to be paid once by the respondent.

(iii) The petitioner is entitled for the protection order and the respondents are prohibited from committing any acts of Domestic Violence against her .

(iv) She is also entitled for accommodation on the first floor of matrimonial house alongwith two rooms, kitchen, separate bathroom and toilet or in the alternative respondent no.1 is directed to provide her monthly rent of Rs.1000/- from the date of this order if she resides in a rented accommodation.

Petition stands disposed of accordingly. Let copy of this order be supplied to the parties free of cost forthwith. Copy of this order be also sent to the Protection Officer concerned. File after due completion be consigned to records.

Announced and signed in the open court to-day on this 25th day of February, 2026.

(Neha Sharma)
Chief Judicial Magistrate,
District Una, H.P.

ANNEXURE A & B		
LIST OF WITNESSES		
Sr.No.	Name of witness	Whether the witness is of petitioner or respondent
1.	Kiran Bala	Applicant's witness
2.	Shubla Devi	Applicant's witness
3.	Soma Devi	Respondent's witness

LIST OF EXHIBITS			
Sr.No.	No. of Exhibit	Date of Exhibit	Description of Document
1.	Ext. PW-1/A	21.08.2024	Affidavit
2.	Ext. PW-2/A	30.09.2024	Affidavit
3.	Ext.R-1/RW-1	28.06.2025	Affidavit

(Neha Sharma)
Chief Judicial Magistrate,
District Una, H.P.