

**IN THE COURT OF JUNIOR CIVIL JUDGE-CUM-JUDICIAL
MAGISTRATE OF FIRST CLASS: AT NIDMANOOR**

PRESENT: SMT T. SWAPNA
JUNIOR CIVIL JUDGE-CUM-JUDICIAL
MAGISTRATE OF FIRST CLASS,
NIDMANOOR

(Monday, dated this the 17th Day of March, 2025)

D.V.C. No.02 OF 2021

BETWEEN:

Bandavath Vijayalaxmi W/o Ravikumar, Age: 32 years, Occ: House hold, R/o Srirampally Village, Thirumalagiri Sagar Mandal, Nalgonda District, presently residing at Haliya Village of Anumula Mandal, Nalgonda District.

...Complainant/Aggrieved person

AND

1. Bandavath Ravikumar S/o. Lakpathi, Age: 36 years, Occ: Nil,
2. Bandavath Gammi W/o. Lakpathi, Age:59 years, Occ: House hold,
3. Bandavath Lakpathi S/o. Bicha, Age:63 years, Occ: Agriculture,
4. Bandavath Basha S/o. Lakpathi, Age: 31 years, Occ: Employee,
5. Bandavath Poolya S/o. Bicha, Age:61 years, Occ: Agriculture,
6. Bandavath Bhali W/o. Poolya, Age: 35 years, Occ: House hold, R/o Indiranagar Thanda H/o Ulsaipalem Village of Adavidevulapally Village and mandal, Nalgonda District

...Respondents

-:o0o:-

This case is coming before me for hearing in the presence of Sri V.Nagaraju, Counsel for the complainant/aggrieved person and of Sri L.Anjaiah, Counsel for respondents, upon hearing both sides and the matter having stood over for consideration, till this day, the Court delivered the following:

:: ORDER ::

01. This application is filed Under Sec.12 of Protection of Women from Domestic Violence Act 2005 seeking following reliefs:

JMFC, Nidamanoor

- a. To grant Protection order prohibiting the respondents, their relatives, agents etc., from committing any act of domestic violence against the aggrieved person.
- b. To direct respondent No.1 to pay Rs.5,000/- per month to the petitioner towards the rent of alternate accommodation.
- c. To direct the respondent to pay Rs.30,000/- towards the maintenance for the aggrieved person and her children.
- d. To direct respondent No.1 to pay Rs.20,00,000/- to the aggrieved person towards compensation or damages.

Undisputed facts are:

The marriage of the petitioner No.1 with the respondent No.1 performed in the year 2007. During the said wedlock they were blessed with two male children.

02.The case of the petitioner as averred in the petition in brief is:

(i) At the time of the marriage, the parents of the aggrieved person presented Rs.5,00,000/- cash, 3.5 tulas gold, 20 tulas silver, house hold articles and motor cycle. After the birth of her second son, respondent No.1 started harassing her by suspecting her character and used to harass her sexually. Later, he sold the gold given by her parents and left to Hyderabad to lead lavish life by neglecting aggrieved person and her children. She informed the said facts to her parents, on this her parents took her back to their house and

held panchayat, even in said panchayat, the respondent No.1 suspected her character and asked her to get a certificate from Doctor that she was never involved in intercourse with any other person. Unbearable with his harassment, she lodged complaint in the year 2016 for the offence U/sec.498-A IPC and Sec. 3 & 4 of D.P Act.

(ii) Later, the respondent No.1 along with villager elders compromised the matter and as such she has withdrawn the said case before Lok Adalath. Later, they started living together but, respondent No.1 left her and her children and left to Hyderabad. When she informed the respondent Nos.2 to 6 about the acts of respondent No.1, they necked her out of the house. As such, she again lodged complaint against respondents for the offence U/sec.498-A IPC. That the respondents never changed their behavior towards the aggrieved person. Hence the application.

03. The respondent No.1 filed counter and respondent Nos.2 to 6 adopted the same. They filed counter specifically denying each and every allegation made against them. It is their contention that, after the birth of first child, the attitude of the aggrieved person changed and used to harass respondent No.1 on petty matters and also did not give milk to the child time to time. After the compromise of the case U/sec. 498-A IPC filed before Halia Police Station, they lived together happily for one year. Again the aggrieved person started

harassing respondent No.1 and she voluntarily left the company of respondent No.1 and this petition is filed only to extract money. Hence, prayed court to dismiss the petition.

04. On the basis of above rival pleadings the following points would arise for consideration.

- 1. Whether the respondents have committed any domestic violence against the aggrieved person as alleged?*
- 2. Whether the aggrieved person is entitled for grant of Protection order prohibiting the respondents, their relatives, agents etc., from committing any act of domestic violence against the aggrieved person?*
- 3. Whether the aggrieved person is entitled for rent of alternative accommodation of Rs.5,000/- from respondent No.1?*
- 4. Whether the aggrieved person and her children are entitled for maintenance of Rs.30,000/- from the respondent No.1?*
- 5. Whether the aggrieved person is entitled for compensation or damages of Rs.20,00,000/- from the respondent No.1?*
- 6. To What Relief?*

05. On behalf of petitioner, petitioner examined herself as PW1 and also examined one Ramavath Rangamma as PW2. One Sabavath Hemoji Naik as PW3 but his evidence was eschewed by this court. On behalf of respondents,

respondent No.1 examined himself as RW1 and also examined one Ramavath Dharji as RW2 and one Deshavath Govind Naik as RW3 and one Deshavath Eshwar Naik as RW4.

06. Heard counsel for the petitioner. In spite of conditional order respondent No.1 and his counsel failed to submit their contentions and this court posted it for orders on 28.02.2025.

POINT NO.1:

07. There is no dispute about the *interse* relation between the parties. The grievance of the aggrieved person is that respondent No.1 used to suspect the character of her and used to harass her sexually and he also neglected the aggrieved person along with her children by leaving them alone and not providing any means to them and when she questioned about the acts of respondent No.1 with his parents they necked her out of the house.

08. PW.1 has reiterated her grievance against the respondents in her chief affidavit. PW.2 also supported the version of PW.1. The respondents, except putting some formal suggestions to PWs. 1 and 2, during their cross examination did not elicit anything contra from them to dislodge their version.

09. Lodging a case U/sec.498-A IPC against the respondent No.1 means that the relationship between the aggrieved person and respondent No.1 is strained.

10. PW.1 in her evidence deposed that brother of her husband by name Basha resides at Bhongir and she along with her husband and in-laws lived together. Which means that respondent Nos.4 to 6 never lived under shared house hold along with aggrieved person. As such, this application is not maintainable against respondent Nos.4 to 6.

11. From the evidence of Pws.1 and 2, it is clear that respondent No.1 have subjected petitioner No.1/aggrieved person to sexual and emotional harassment which tantamount to domestic violence within the meaning of Sec.3 of Act and respondent Nos.2 and 3 also abused her in filthy language and necked her out of the house. Which amounts to domestic violence against the aggrieved person. This point is therefore answered in favour of aggrieved person and against the respondent Nos.1 to 3.

POINT No.2

12. As held in point No.1, the respondent Nos.1 to 3 have committed domestic violence against aggrieved person/PW.1, the apprehension of her cannot be said to be misapprehension. Hence, it is just and necessary to protect the

PW.1/ aggrieved person from respondent Nos.1 to 3 by granting protection order as prayed for. This point is answered in favour of aggrieved person holding that aggrieved person is entitled for protection order prohibiting the respondent Nos.1 to 3 from entering the place of residence and committing any act of domestic violence against her.

13. POINT NOs.3 & 4:

The petitioner is seeking maintenance of Rs.30,000/- per month and Rs.5,000/- per month for her separate residence along with children.

14. Respondent No.1 being the husband of the petitioner and father of children is under legal and moral obligation to provide shelter and maintenance to his wife and children. But, admittedly, he is not paying anything to the petitioners towards the maintenance which amounts to the economic abuse of the petitioners. Which tantamount to domestic violence within the meaning of Sec.3 of Act. It is a fact that petitioner is taking shelter at her parent and that she has no means to maintain her and children.

15. It is the evidence of PW.1 that, children were with her until filing of this case and suddenly after filing of this case, respondent No.1 have taken them along with him. Here this court would like to reproduce the evidence of RW.1
“my children are studying in Government Social Welfare School and as

such no need to pay school fee and at present the children are in my custody and I am looking after their welfare and maintenance". RW.2 in his evidence deposed that one son was with the aggrieved person till the case is filed. So, from the above evidence of RWs.1 and 2, it is clear that children were with the aggrieved person until filing of this case.

16. It is the fact that respondent No.1 completed his B.Ed and he used to go to Hyderabad and he is also having agricultural lands. Though, it is his evidence that he is doing coolie work, his evidence also shows that they are having agricultural lands and from the evidence of RWs.3 and 4, it is clear that respondent No.1 is doing cotton business.

17. Further it is well settled law that meagre income or no income of husband of father is not ground for his inability to pay the maintenance to his wife or children, on the case may be. So long as he is able bodied and eke out his livelihood, he is liable to maintain his wife and children. Means does not signify only visible. Means, such a real property or definite employment. If man is healthy and able bodied, he must be held to be possessed of means to support his wife and children. In the instant case, it is not the case of respondent No.1, that he is not hale and healthy and not able to attend any work.

18. As per Sec.20 (2) of the Act, Monetary relief granted shall be adequate, fair and reasonable and consistent with the stand and living to which the aggrieved person accustomed. Therefore, having regard to the avocation and earning capacity of respondent No.1 and standard of living of petitioner No.1 to which she is accustomed. I consider it appropriate to direct respondent No.1 to pay Rs.10,000/- per month, in aggregate, to the petitioner towards her maintenance as well as residence. This point is answered in favour of petitioner.

POINT No.5:

19. It is the evidence of PW.1 that respondent No.1 used to suspect her character. Neither in his counter nor in his evidence, respondent No.1 spoke about the fidelity of the aggrieved person. Even RW.2 who is said to be panchayat elder did not speak anything about the character of PW.1. RWs.3 and 4 who are the witnesses from Palnadu district and not the residents of either petitioner or respondent No.1 deposed that they know respondent No.1 in the course of cotton business as such they know these facts.

20. Here this court would like to reproduce the evidence of RWs.3 and 4 “ *at six months back I saw a aggrieved person along with her mother at Macharla about their prostitution/adultery.*” RW.4 gave evasive answers when questioned about how he knows about prostitution at that place as stated by

him in his chief affidavit. RW.3 deposed that he found PW.1 along with his mother at Macherla road. As such, the evidence of Rws.3 and 4 is unreliable.

21. There was also suggestion given to PW.2 that wife of Ramu alleged illicit relationship between PW.1 and Ramu and that one Kumar wrote love letter to PW.1 and on this panchayat was held. However, the above suggestions were denied by PW.2. As stated above none of these facts were mentioned in the counter of respondents. So, from the evidence produced by respondent No.1, it is understood that respondent No.1 has suspecting nature towards the character of petitioner, which also amounts to domestic violence.

22. The petitioner is claiming Rs.20,00,000/- as compensation from respondent No.1 for causing mental torture and emotional distress to her. As noticed in point No.1, the evidence of the PW.1, as regards to the harassment caused to her by the respondents remain unchallenged.

23. The sufferance suffered by the petitioner at the hands of the respondent cannot be compensated in terms of money. But, having regard to the financial status of respondent No.1, which is noticed in point Nos.3 & 4, it would be just and reasonable to direct him to pay Rs.2,00,000/- to the petitioner No.1 towards the compensation. This point is answered in favour of petitioner.

POINT NO.6

24. IN THE RESULT, the petition is allowed.

- a) granting a protection order prohibiting respondent Nos.1 to 3 from committing any act of domestic violence against the petitioner/aggrieved person.
- b) directing the respondent No.1 to pay Rs.10,000/- per month in aggregate to the petitioner No.1 towards the maintenance and residence from the date of this order.
- c) directing respondent No.1 to pay Rs.2,00,000/- to the petitioner towards compensation within in one month from the date of this order,
- d) directing respondent No.1 to pay Rs.5,000/- towards the litigation expenses.

Supply a copy of this order to both parties, free of costs immediately.

Typed to my dictation by the Stenographer Grade III, corrected and pronounced by me in the open court, on this the 17th Day of March, 2025.

**JUNIOR CIVIL JUDGE-CUM-JUDICIAL
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APPENDIX OF EVIDENCE
WITNESSES EXAMINED

FOR COMPLAINANT

PW1: Bandavath Vijayalaxmi

PW2: Ramavath Rangamma

PW3: Sabavath Hemoji Naik

FOR RESPONDENTS

RW1: Bandavath Ravikumar

RW2: Ramavath Dharji

RW3: Deshavath Govind Naik

RW4: Deshavath Eshwar Naik

DOCUMENTS MARKED ON BEHALF OF THE COMPLAINANT

::NIL::

DOCUMENTS MARKED ON BEHALF OF THE RESPONDENTs

::NIL::

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