



IN THE COURT OF THE PRL CIVIL JUDGE & JMFC.,

SAKALESH PURA.

-:PRESENT:-

Sri. Lakshmi Narasimha R.V. B.A.L., LL.B.,

Prl. Civil Judge & JMFC., Sakaleshpura

Dated this the 12th day of June, 2026

CRL. MISC No.53/2025

PETITIONERS :

Hemalatha @ Arpitha Y.P.
W/o Hemanth @ Srikantha,
Aged about 28 years,
R/at Halasulige village,
Kasaba Hobli,
Sakaleshpura Taluk.
Present R/at C/o Paramesha,
Achangi village,
Halasulige Post,
Kasaba Hobli,
Sakaleshpura Taluk.

[Rep. by Sri. S.P., Advocate]

V/s.



RESPONDENTS :

1. Sri. Hemanth @ Srikantha
S/o H.J. Palaksha,
Aged about 32 years,
2. Smt. Rekha W/o H.J. Palaksha,
Aged about 50 years,
3. Sri. H.J. Palaksha S/o Basavegowda,
Aged about 55 years,
All are R/at Halasulige village and
Post, Kasaba Hobli,
Sakaleshpura Taluk.

[Rep. by Sri. I.E.P., Advocate]

:: ORDERS ::

The petitioner has filed present petition under Section 12 of Protection of Women from Domestic Violence Act 2005 seeking the following reliefs;

- 1) To pass protection order under section 18 of the Act.
- 2) To pass residence order under section 19 of the Act.
- 3) To pass monitory reliefs under section 20 by directing respondent to pay a sum of Rs. 20,000/- per month to petitioners and



4) To pass compensation under section 22 by directing respondent to pay a sum of Rs. 50,00,000/- to petitioners.

2. The brief facts of the case of the petitioner is as follows:

Petitioner is the legally wedded wife of respondent No.1 and their marriage was solemnized on 18.04.2024 at Umashankar Samudaya Bhavana, Raghavendra Nagara, Sakaleshpura, as per their rites and rituals. At the time of marriage, the parents of petitioner have shell out a sum of Rs. 15,00,000/- and also given gold ornaments. After the marriage, the petitioner accompanied respondent No.1 and started to reside at Matrimonial house at Halasulige village along with the respondents. They lived happily together for about 15 days and thereafter respondent No.2 and 3 have started to harass the petitioner by abusing even for trivial issues. The petitioner is working at Apollo Medical shop at Sakaleshpura. Respondent No.2 and 3 have



insisted and threatened the petitioner not to visit her parents and if so, she is not allowed to enter the house. They used to abuse her in cooking issues and threatened that they would not allow her to get conceive even after 20 years of marriage. Respondent No.1 used to support the acts of respondent No.2 and 3. They used to pick up quarrel with the petitioner every day and night. Respondent No.1 used to assault on the instigation of respondent No.2 and 3.

3. She has further contended that the respondents have not allowed the petitioner to visit her parents, neither they were allowed to enter the house. The petitioner was not even allowed to perform Chamundeshwari Pooja at house. The respondents used to switch off all the lights by 6.00 p.m. and the petitioner was forced to stay in dark. They used to threaten the petitioner and insisted to go out of the house. After 3 months they thrown her out of the house by causing physical and mental harassment. Now, the petitioner is residing



with her parents without any option. The respondents are owning 10 acres of land and having income of Rs. 10,00,000/- p.a., They are also owning two houses. Respondent No.1 is a Civil Engineer and having income of Rs. 35,000/- p.m. The petitioner is unable to maintain herself. Respondent No.1 is capable of providing maintenance. Accordingly, prayed to allow the petition.

4. Upon the service of summons, and respondents have appeared before the court through their counsel and filed objections. It is the contention of Respondent No.1 that, he has admitted the relationship. He has never demanded any dowry from the parents of petitioner. But, respondent No.2 and 3 have given gold articles to petitioner as per their rites and rituals. After few days of marriage, the petitioner have insisted for divorce by way of mutual consent. Accordingly, both of them have exchanged the gold ornaments. The Respondents have never caused any physical or mental harassment to the



petitioner. Respondent No.1 advised the petitioner to reside and lead happy married life. But, it is the petitioner who never agreed for the same and left the society of respondent No.1 without any valid reasons only with intention to get depart from respondent No.1. He is unable to maintain petitioner as himself has no source of income. The petitioner is working at Apollo Medical Shop, Sakaleshpura and having income of Rs. 25,000/- p.m. Respondent No.1 is interested to lead a happy married life. Accordingly, prayed to dismiss the petition.

5. In order to prove the case of petitioner, she got examined herself as PW.1 and got marked Ex.P1 to P.12. On the other hand, respondent No.1 got examined himself as RW-1 by filing affidavit in lieu of examination in chief. He has not adduced any documents.

6. On basis of petition and evidence placed before the court the following points that arise for the determination.



1. Whether the petitioner proves that respondents have committed domestic violence against her?
2. Whether the petitioner proves that she is entitled to the maintenance of Rs. 20,000/- per month from respondent No.1?
3. Whether the petitioner proves that she is entitled to compensation of Rs.50,00,000/- as prayed for?
4. Whether the petitioner proves that she is entitled to the residence order as prayed for?
5. Whether the petitioners are entitled to the reliefs as sought for?
6. What order?
7. Heard arguments on behalf of both the parties.
8. My findings on the above points are as follows:



Point No.1: In the ***Partly Affirmative***

Point No.2: In the ***Partly Affirmative***

Point No.3: In the ***Partly Affirmative***

Point No.4: In the ***Partly Affirmative***

Point No.5: In the ***Partly Affirmative***

Point No.6: As per final order for the following:

:: REASONS ::

9. Point No.1 :: It is the case of the petitioner that, respondents have committed domestic violence against petitioner and thrown her out of the house by causing harassment and also assaulted her black and blue. The Petitioner has contended that she got married to respondent No.1 on 18.04.2024 at Umashankar Samudaya Bhavana, Raghavendra Nagara, Sakaleshpura, as per their rites and rituals. Respondent No.1 in his objections has admitted the marriage. Thus, there is no objections or dispute as to the marital relationship between petitioner No.1 and respondent No.1. Further, as per Section 2(f)



of Protection of Women From Domestic Violence Act, 'Domestic Relationship' means a relationship between two persons to live or have at any point of time lived together in a shared household, when they are related by consanguinity, marriage or through relationship in a nature of marriage, adoption or family members living together as joint family. The Petitioner has contended that after the marriage, she has started her marital life at the house of respondent No.1. Respondent No.1 has also contended that they lived together for few days. Which indicates that at one point of time parties who are in relationship of marriage. As stated supra, the respondents have also contended that, petitioner lived in the matrimonial house. Hence, the act applies to the case on hand.

10. It is here to note that the allegation of domestic violence against respondent No.1 who is the husband of petitioner is concerned, petitioner in order to prove her case, she got examined as PW.1 and filed affidavit in lieu of examination-



in-chief and reiterated the averments of the petition. In the cross examination she has deposed that her parents have borne all the expenses of the marriage and given gold and silver articles to the respondents. She is also maintaining the records to that effect. Whereas, she has not produced any document before the court. Moreover, she has categorically admitted that both the petitioner and respondent No.1 have exchanged the gold articles with the consent of each other.

11. She has denied the suggestion that she had agreed for the divorce by way of mutual consent. She has further deposed that she is not interested to join respondent No.1 due to mental harassment. After the marriage, they resided at new house. She has not lodged any complaint before the jurisdictional police for having caused the harassment by respondent No.1. She is working at Apollo Medical Shop and having salary of Rs. 9,000/- p.m. Respondent No.1 is an Engineer and having income of Rs. 50,000/- p.m. Whereas,



she has not produced any document to that effect. There was conciliation, but went in vain. She has denied the suggestion that respondent No.1 has exchanged the articles only at the force of the petitioner. She has denied all other suggestion that made by the learned counsel for the respondents.

12. Respondent No.1 got examined himself as RW-1 by filing affidavit in lieu of examination in chief by reiterating the contents of the objections. In the cross examination he has deposed that, since 4 years he is working as contract and not stated anything as to his income. He has admitted the suggestion that he was given 50-60 grams gold at the time of marriage and same was returned to the petitioner. He has deposed they have resided together only for 3 months and they lived happily only for 15 days. He has deposed that he does not know as to mental harassment caused to the petitioner. He has denied the suggestion that



the petitioner was subjected to Domestic Violence at the hands of respondents. He has further deposed that as they do not worship Chamundeshwari, they threw the Goddess Chamundeshwari Photo out side the house. He has admitted that they are owning the properties, but denied the suggestion that he is having huge source of income. He has denied all other suggestions made by the learned counsel for the petitioner.

13. It is to note here that the petitioner has contended that respondent No.1 used to ill-treat and humiliate petitioner by causing mental and physical harassment. In the cross examination of RW-1 he has categorically deposed that he has not caused physical harassment, but he does not know as to mental harassment. Hence, it can be seen that he has not denied the mental harassment. Further, the petitioner has made an allegation that the respondents have thrown the photo of goddess Chamundeshwari and they



have not allowed the petitioner to perform Pooja. Respondent No.1 in his cross examination has not denied the same and deposed that they have thrown the photo of goddess Chamundeshwari as they do not worship goddess Chamundeshwari. It is to here note that worshiping god is the personal liberty of an individual. If at all, the respondents do not worship the goddess Chamundeshwari it is also their personal liberty and they ought to have convince the same to the petitioner. But, throwing away the goddess photo and hurting the sentiments of another individuals is also a form of mental harassment. As deposed by RW-1, he has not denied the mental harassment caused to the petitioner. We live in a secular and Democratic Country where the constitution of India has been celebrated and the spirit of its objectives have been followed with utmost respect and devotion. Hence, it cannot be any person right to hurt the sentiments of an other individual and there is no room for it.



It is clear from the definition, mental harassment is also a kind of Domestic violence under the Act.

14. It is very much relevant to note that Respondent No.1 to 3 are the privies in blood. On perusal of entire petition, there are no any specific allegations against Respondent No.2 and 3 except stating that they have instigated respondent No.1 to commit domestic violence. The petitioner in her cross examination has categorically deposed that respondent No.2 and 3 were residing in the farm house. Herself and respondent No.1 were residing in a new house at Halasulige village. Hence, it can be seen that, respondent No.2 and 3 were not residing along with the petitioner. Moreover, petitioner has no any claim against respondent No.2 and 3. On this count also, petition against respondent No.2 and 3 deserves to be dismissed. Hence, this court is of the opinion that petitioner has not proved the specific commission of an act of domestic violence by respondent No.2 and 3.



15. From the above discussions, it can be seen that the act of neglecting the petitioner is also a kind of domestic violence. Thus, from above evidence and documents, this court is of the opinion that the petitioner has proved that respondent No.1 has committed domestic violence against her. Accordingly, point No.1 is answered in the ***Partly Affirmative***.

16. **Point No.2:** The petitioner has claimed maintenance of Rs. 20,000/- per month from respondent No.1. It is to note here that no documentary proof is forthcoming on record to show the exact income of respondent No.1. It is also admitted fact that the petitioner is working in Apollo Medical Shop, Sakaleshpura. As per, the say of respondents, she is having salary of Rs. 25,000/- and as per the say of the petitioner she is having salary of Rs. 9,000/- p.m. The petitioner has filed affidavit of Assets and liabilities. Whereas, the respondent No.1 has not filed any affidavit to that effect. RW-1 in his cross examination also has not deposed anything



about his income. Hence, this court is of the opinion that the evidence of the petitioner holds good. In the absence of the same, the average income of a Civil Engineer is to be taken into consideration while fixing the quantum of maintenance. It is also necessary to give consideration to the normal expenditure of common woman. As already discussed supra for point No.1, respondent has committed domestic violence against petitioner. Furthermore, respondent No.1 has not disputed the relationship with petitioner. Thus, it can be seen that, respondent No.1 has neglected the society of petitioner.

17. Hence, it is very much necessary to give direction to respondent to give maintenance to the petitioner by taking consideration of the present situation, this court is of the opinion that, it is just and necessary to award a sum of Rs. 6,000/- per month to petitioner towards her maintenance from the date of petition. Accordingly, Point No. 2 is answered in the ***Partly Affirmative***.



18. Point No.3 : The petitioner has claimed compensation of Rs. 50,00,000/- from respondent No.1. It is to note here that petitioner has made allegations against respondent No.1 that he has neglected the society of petitioner without providing basic needs. She has also not produced any documents for having spent the expenses of marriage. But, at the same time, the neglect on the part of respondent No.1 by abusing her and ill-treating her which in turn has resulted in domestic violence cannot be taken lightly. It is because even mental torture and agony is to be considered at par with physical abuse.

19. The neglect of petitioner at the hands of respondent No.1 would have been caused adverse effect on the petitioner. Hence, this court is of the opinion that the compensation is to be awarded for having suffered at the hands of respondent No.1. Hence, having regard to the allegations made in the petition, the nature of violence and injury suffered by petitioner, this court is of the opinion that it is just to award compensation of Rs.



50,000/- to petitioner. Accordingly, point No.3 is answered in the ***Partly Affirmative.***

20. Point No.4: The petitioner has claimed for order of residence. It is clear from the evidence that, some kind of domestic violence has taken place and petitioner is living separately from respondent No.1. In view of the said circumstances giving raise for domestic violence and the relationship between petitioner and respondent No.1 is strained. Hence, if the permission is given to the petitioner to enter the house of respondents, may lead to further complications and legal issues. Hence, instead of granting such permission, justice would be better served if alternative arrangement is made for the accommodation.

21. Further, if respondent is directed to find a suitable accommodation of the petitioner it leads to the practical problems in making the choice. Hence, justice would be met if



the direction is given to respondent to bear the monthly rent for accommodation of the petitioner. It is settled position that, wife shall enjoy same standard of accommodation as that of husband. In the present case, no materials are forthcoming on record to show that what is the level of accommodation enjoyed by petitioner during her stay with respondent No.1. Hence, an average rental amount for the comfortable stay of petitioner is to be taken into consideration while directing respondent No.1 to pay rental amount. Under such circumstances it deems proper to fix a sum of Rs.3,000/- per month as monthly rent towards alternative accommodation of petitioner. Accordingly, point No.4 is answered in the ***Partly Affirmative***.

22. Point No.5: As discussed supra for point No.1 to 4, the petitioner has proved that respondent No.1 has committed domestic violence against her by neglecting without providing anything. Hence, in view of the above facts and circumstances, the petitioner is entitled to monthly maintenance of Rs.4,000/-



per month to the petitioner from the date of petition. It is also clear from the evidence on record the petitioner is not entitled to the order of entering the house of respondent and on the other hand, she is together entitled to a sum of Rs.3,000/- per month towards rent for her accommodation. Further, petitioner is entitled to the compensation of Rs.50,000/- from respondent No.1. Accordingly, point No.5 is answered in the ***Partly Affirmative***.

23. Point No.6 : In view of the discussion on point No.1 to 5 and also reasons stated above, this court proceeds to pass the following:

:: ORDER ::

The petition filed by petitioner under section 12 of Protection of Women from Domestic Violence Act 2005 is hereby allowed in part.

Respondent No.1 is hereby directed to pay a sum of Rs. 6,000/- p.m. to petitioner towards maintenance from the date of petition.



Respondent No.1 is hereby directed to pay a sum of Rs. 50,000/- to petitioner towards compensation.

Respondent No.1 is hereby directed to pay a sum of Rs. 3,000/- per month to the petitioner towards the rent for their alternative accommodation from the date of order.

The petition against respondent No.2 and 3 is hereby dismissed.

[Dictated to the stenographer directly on computer and then corrected by me and thereafter pronounced in the open court on this the 12th day of June, 2026]

[Lakshmi Narasimha R.V,]
Prl. Civil Judge and JMFC.,
Sakaleshpura.

ANNEXURE::

List of witnesses examined for the petitioners:

PW.1 : Smt. Hemalatha @ Arpitha Y.P.

List of documents exhibited for the petitioners:

Ex.P1 : Marriage Invitation Card

Ex.P2 to 5 : Photos



- Ex.P6 : Endorsement issued by Halasulige Village Panchayath.
- Ex.P7 : Certified copy of property Assessment Extract
- Ex.P8 to 11 : RTC extracts
- Ex.P12 : Photo

List of witnesses examined for the respondents:

- RW-1 : Sri. Hemanth @ Srikanth

List of documents exhibited for the respondents:

-----Nil-----

[Lakshmi Narasimha R.V,]
Prl. Civil Judge and JMFC.,
Sakaleshpura.