

**IN THE COURT OF THE ADDL. CIVIL JUDGE &
J.M.F.C., AT BANGARPET**

PRESENT:- DEEPU B.C., B.A.L., LL.B.,
Addl. Civil Judge & JMFC: Bangarpet.

Dated this the 7th day of June 2021

DVC 10/2018

Petitioner: Smt. Nandini Bai K.N.
Aged about 21 years,
D/o Late Nagendra Singh,
W/o Nagaraj B.,
R/at No. 171,
Kamasamudram Village
and Post, Bangarpet Taluk,
Kolar District.
(By Sri. SM - Adv.)

V/s

Respondents: 1. Sri. Nagaraj B. S/o Ravi B.
Aged about 27 years,
2. Smt. Govinda Bai @ Godavari
Aged about 48 years,
W/o Ravi B.
3. Sri. Ravi B.
Aged about 50 years,

Respondent No. 1 to 3 are R/at
A/4, Kuduremukha Colony,
Kormangala 2nd block,
Bangalore South, Bangalore.

(Absentee)

ORDER

The instant petition is filed by the petitioner U/s 12 of protection of woman from domestic violence act (herein after as DAV act for brevity).

2. The brief facts of the case of the petitioner

that the marriage of the petitioner and respondent No. 1 was solemnized on 26.11.2017 at Grama Devatha Gangamma temple at Kamasamudram Village, Bangarpet Taluk as per Hindu customs before the presence of well wishers and elders of both the families. At the time of marriage the mother of the petitioner had given one gold ring, gold neck chain and two pair dress to the respondent No. 1 and one sada gold ring, one gold ear stud and one gold ring to the petitioner and spent more than Rs. 1,50,000/- for marriage. After the marriage, the petitioner and respondent No. 1 have started their marital life at Koramangala, Bangalore and they have lived happily for a period of two months along with parents of respondent No. 1 i.e., respondent No. 2 and 3 herein. Thereafter, the respondent No. 2 and 3 have not allowed the respondent No. 1 for cohabitation with the petitioner from the date of marriage and advised the petitioner to continue her further education. Hence, the petitioner joined to college at Bangalore for 1st year degree. Further, on

03.02.2018 the petitioner came to know that the respondent No. 1 has a habit of consuming alcohol and without any reasons he picking up quarrel with the petitioner and giving all sorts of ill treatment to the petitioner and also demanded dowry from the parent's parents house. Further, the respondent No. 1 to 3 are used to beat the petitioner and abuse her in filthy language. As such the petitioner was not tolerating the ill treatment and alcohol addiction of respondent No. 1. Hence, she lodged a police complaint against the respondent on 24.10.2018 before the Madivala Police station, Bangalore and the respondents were charged for the offence punishable U/s 506, 498(A) IPC and U/s 4 of DP Act in Cr. No. 57/2018. Thereafter, the petitioner was thrown out from the marital house and respondents have snatched the Mangalasuthra from the petitioner. Hence, without the alternative, the petitioner residing her parental house at Kamasamudram Village, Bangarpet Taluk.

Further, the respondent No. 1 is working as a software engineer in Hinduja Global Solutions at Bangalore and drawing a monthly salary of Rs. 70,000/- and he has having movable and immovable properties and earning sufficient income from the properties. In spite of that he willfully neglected and

deserted the petitioner and not providing any basic necessities for livelihood of the petitioner. Hence, the petitioner has sought the protection order, residential order and monetary reliefs from the respondents by of filing this petition.

3. In pursuance to the notice issued to the respondents, they did not appear before this court and not filed any objection. Hence, the matter was posted for petitioner enquiry.

4. In order to substantiate her case the petitioner got examined herself as PW-1 and got marked the documents at Ex.P1 to P5.

5. Heard arguments on behalf of petitioner.

6. The point that arises for consideration are as under :-

1. Whether the petitioner proves that she has been subjected domestic violence by the respondents ?
2. Whether the petitioner is entitled for the relief sought ?
3. What order ?

7. On consideration of materials placed on record, this court answers aforesaid points as hereunder:

Point No. 1 : In the affirmative

Point No. 2 : In partly affirmative

Point No. 3 : As per final orders
for the following.

:REASONS:

8. **POINT NO. 1** :- As stated above, the petitioner has alleged that her marriage with respondent No. 1 was solemnized on 26.11.2017 at Kamasamudram Village, Bangarpet Taluk and after got the marriage with the respondent No. 1, she had resided at Bangalore along with the respondents and after two months she has been subjected domestic violence by the respondents and she has thrown out from the matrimonial house. Hence, she has come up with this petition for the aforesaid reliefs.

9. In order to prove the relationship between herself and respondent No. 1, she has produced the marriage invitation card and marriage registration certificate which are marked at Ex.P1 and P2 respectively. On perusal of the same, the marriage between the petitioner and respondent No. 1 was duly registered in the sub-registrar, Bangarpet on 29.11.2017. Hence, the marital relationship between the petitioner and respondent No. 1 is proved by the petitioner.

10. In so far as domestic violence is concerned the petitioner has entered into the witness box and got examined herself as PW-1 and she has reiterated the petition averments during her chief examination. It is pertinent to note that the petitioner has deposed to fact that she has lodged a police complaint against the respondents towards their cruelty and the case was registered against them before the Madiwala Police station. In order to substantiate the same she has produced the xerox copy of complaint and FIR. But she did not produce the originals and get it marked on her behalf. On bare perusal of copy of FIR it appears that the case was registered against the respondents for the alleged offence U/s 506 and 498-A of IPC and section 3 and 4 of D.P.Act under Cr. No. 57/2018 on 24.10.2018.

11. Further, the CDPO, Bangarpet has submitted domestic incident report before this court wherein she has submitted that the petitioner was subjected to physical and mental harassment by the respondents and the petitioner needs to be protected from domestic violence and she needs to be protection order, residential order and maintenance from the respondent. In spite of service of notice the respondents did not choose to appear before this court.

Hence, the evidence of the petitioner is remained unchallenged and unrebutted.

12. Further, as per the petitioner the respondent No. 1 is working as a Software engineer in Hinduja Global Solutions at Bangalore and he drawing a salary of Rs. 70,000/- and he is having a movable and immovable properties and he has sufficient income. But in order to substantiate the same the petitioner did not choose to produce any salary certificate or documents with respect to income of the respondent No. 1.

13. On careful considering of oral and documentary evidence of petitioner and domestic incidental report submitted by the CDPO, Bangarpet, it clearly disclosed that the petitioner was subjected to domestic violence by the respondents. Hence, this court is of opinion that the petitioner has successfully proved that he has been subjected to domestic violence by the respondents. Thus, the **point No. 1 is answered in the affirmative.**

14. **Point No. 2**:- As stated above the petitioner has sought the relief of protection order U/s 18, residential order U/s 19, monitory reliefs such as Rs.2,00,000/-compensation towards domestic violence and Rs.20,000/- per month towards her maintenance

U/s 22 of DV act.

15. As stated above the petitioner has successfully proved that she has been subjected to domestic violence by the respondents. Hence, she is entitled for protection order U/s 18 and further the petitioner is residing with her parental house at Kamasamudram Village and she has no sources of income or any job to maintain herself and being a husband the respondent No. 1 is liable to provide basic necessities such as food, cloth, residence to the petitioner. Hence, the petitioner is entitled for the residential order.

16. In so far as monthly maintenance is concerned, the petitioner has sought Rs.20,000/- per month as maintenance. But she did not produced any documents to prove the sources of income of the respondent No. 1. but failure of prove of income of respondent No.1, it does not dispel the liability of dutiful husband to provide basic necessities for his wife. Hence, considering the present cost of living and financial conditions of both parties, if the petitioner is granted Rs. 3,000/- monthly maintenance from the date of petition, the same is suffice the cause of justice. In view of the above detailed discussion this court is of opinion that the petitioner is entitled for the aforesaid reliefs as

stated supra. Accordingly, **point No. 2 is answered in partly affirmative.**

17. **Point No. 3** :- In view of the foregoing discussion, this court proceeds to pass the following:-

ORDER

The present petition filed U/s 12 of domestic violence act is hereby allowed in part.

The respondents are hereby restrained from subjecting the petitioner to any sort of domestic violence.

The respondent No. 1 is hereby directed to pay the monthly maintenance of Rs. 3,000/- to the petitioner from the date of petition.

Further, the respondent No. 1 is directed to pay a sum of Rs. 3,000/- per month to the petitioner from the date of this order towards her residential arrangements.

Office is directed to intimate the orders to the concerned protection officer and SHO of jurisdictional police station.

Supply free copy of orders to both the parties.

(Dictated to the Stenographer typed by her, corrected and pronounced by me in the open court on this the 7th day of June 2021.)

(DEEPU B.C.)
Addl. C.J. & JMFC: Bangarpet,

: Annexure :

1. List of witnesses examined on behalf of petitioner :

PW-1 : Nandini Bai

2. List of documents relied on behalf of petitioner :

Ex.P1 : Marriage Invitation Card

Ex.P2 : Marriage Registration Certificate

Ex.P3 to P5: Three bills regarding purchasing
of jewels

3. List of witnesses examined on behalf of respondent:

- NIL -

4. List of documents relied on behalf of respondent :

- NIL -

(DEEPU B.C.)

Addl. C.J. & JMFC: Bangarpet.