

KAMS300011782023



**THE COURT OF THE PRL., SENIOR CIVIL JUDGE AND J.M.F.C.,  
HUNSUR.**

Present: **Smt. Zaibunnisa, B. Com., L.L.B.,  
Pri. Senior Civil Judge & J.M.F.C.,  
Hunsur.**

Dated, this the 12<sup>th</sup> day of March 2025

**Crl. Misc.No.122/2023**

Petitioner : Smt. Sahana

V/s

Respondent : Sri. B.M. Surendra Hegde @ suri

**PARTIES IN I.A. No. I AND II**

Applicant/ Petitioner : Smt. Sahana

V/s

Opponent/Respondent : Sri. B.M. Surendra Hegde @  
suri

**ORDERS ON IA NO.1 & 2 FILED U/SEC.23(2) OF THE  
PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT,  
2005**

The above applications are filed by the petitioner U/SEC.23(2) OF THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005, seeking for the reliefs U/s 18, 19, 20 and 22 of the protection of Women from Domestic Violence Act (herein after refers as 'the DV Act' for brevity) prohibiting the respondent from committing any acts of domestic violence or holding out any threats or abuse towards petitioner at her place of stay or at any other place and to prohibit the respondent from aiding or abetting any violence against petitioner, due to severe threat to her life and, also to direct the respondent to pay a sum of Rs.20,000/- per month as interim maintenance.

2. It is averred in the application that, the marriage of the petitioner with the respondent was solemnized on 04.08.2008 at Srimathi Vajramma Nagaraj Shetty Kalyana Mantapa, Hunsur. The petitioner's father had spent a significant amount of money on the marriage as per the desire and preference of the respondent and his

family members. After the marriage, the petitioner and respondent lived harmoniously for four years. During this period two children namely Vaishnavi Hegde and Bhuvan Hegde were born. Later, in matrimonial home, the petitioner was subjected to severe mental and physical torture at the hands of respondent. She was deserted by the respondent and he is refusing to take back as his wife and their children and to cohabit. He has illegitimate relationship with another married woman by name Rajini, when her marriage with respondent is still in force and thereby he has committed an act of bigamy and adultery. Due to the torture of respondent, the petitioner filed a complaint before the jurisdictional Hunsur Town P S and the respondent came before police and made false promise that he will not go back to his mistress and will try to be a good husband and shall be an affectionate father to his children.

It is further submitted that inspite of the said undertaking, the respondent continue issue threat to the life and limb of the petitioner, her children and her aged parents. In the said

circumstances, she sought for appropriate protection order against the respondent.

It is further submitted that she has no independent source of income and she dependent on her father for day to day expenses for survival. The respondent, despite earning a monthly income of Rs.60,000/-, he is failed to provide any maintenance to the petitioner or to the children. Hence, the respondent is liable to pay monthly maintenance of Rs.20,000/- per month. Therefore, the interim applications.

3. The respondent has filed objection to the main petition and filed memo to adopt the said objection statement as objection to the present applications. In the objection the respondent has opposed the applications on the ground that the petitioner has made false allegations against the respondent and that the respondent is doing driving work on a daily wage basis. The petitioner is not ready to lead marital life with respondent and his parents and the petitioner was always quarreling with the respondent and his mother and also abused in filthy language. The petitioner quarrel with

respondent from the date of marriage and she demanded for separate dwelling house and to leave his parents. When the respondent did not listen the words of petitioner, the petitioner, her parents and relatives have assaulted the respondent. Finally, the respondent made a separate rented house as per her wish in Kalkunike, Hunsur. Afterwards, the petitioner and her parents were quarrel with respondent and finally thrown him to street. The petitioner is not doing work as a dutiful wife at any point of time. The respondent is ready to join the petitioner to lead happy marital life. She willfully neglected the respondent and his old aged mother and she is capable to maintain herself but the respondent is now an unemployee. Therefore, the applications filed by the petitioner deserves to be rejected as not maintainable and he prayed to reject the same.

4. I have heard the arguments of both the side and perused the record furnished by the parties in support of their respective contentions.

5. The points that arise for my consideration are:

1. **Whether the petitioner is entitle for the reliefs claimed?**

2. **What Order?**

6. My findings on the above Points are:

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

**Point No.2:** As per order for the following:

### **R E A S O N S**

7. **Point No.1:** On perusal of the material on record, it reveals that the petitioner has maintained the petition under section 12 of Protection of Women from Domestic Violence Act 2005 and in the instant applications she has sought for the reliefs of protection order, prohibiting the respondent from committing any violence or issuing threat at her place of stay and to prohibit the respondent from abetting any act of violence against the petitioner as well as for interim maintenance at the rate of 20,000/- per month.

8. At this stage, I would like to relay on the provisions of U/s 3 of the Act, which states that the domestic violence means any act omission or commission or conduct of the respondent which harass or injures or endangers the life, health, safety or well being whether mentally or physically of the aggrieved person. It can include physical abuse, sexual abuse, verbal abuse, economic abuse or emotional abuse, it also includes any harassment with view to coerce her or any other person related to her to meet any unlawful demand, dowry or property or valuable security. In the instant applications the petitioner stated that during her stay at matrimonial home with respondent she was subjected to sever physical and mental torture at the hands of respondent and he is refusing the petitioner and her children to take back to the matrimonial home. It is also her grievance that the respondent has an illicit relationship with another woman which amounts to the offence of bigamy and adultery. In support of her contentions she has produced copies of acknowledgments issued by Hunsur Town police. Except these records she has not produced any other materials. However, on perusal of the petition, interim applications as well as the objection,

it is cleared that there is no dispute that the parties to the petition are the legally wedded husband and wife and they are having two children from their marriage. Admittedly, the petitioner and respondent are living separately at the time of filing this petition due to some differences arose between them. With respect to allegations of harassment and illicit relationship, it is necessary to hold enquiry of the parties on pledge and at this stage it is nothing but irrelevant but also not just and proper to express any opinion in this regard.

9. So far as not providing basic needs to the petitioner and her children by the respondent despite he is having sufficient income is concerned, petitioner has produced her bank account extract to demonstrate that she has no source of income. She has also submitted the RTC extract pertaining to a land to an extent of 1 acre bearing Sy.No.19/4 of Udduru nala Village, Kasaba Hobli, Hunsur Taluk, which is standing in the name of her brother-in-law by name Mahendra Hegde S/o Manjunatha Hegde. She has also produced photographs of the residential house the respondent and her parents

as well as a photograph of a mini goods vehicle, TATA ACE GOLD bearing Reg. No.KA- 45-A-4604.

10. Per contra, the respondent has furnished a copy of B-Register Extract of the above mentioned vehicle and highlighted the document that the said vehicle is hypothecated to Cholamandalam Investment and Finance Company Ltd., Chennai. Further, the respondent alleged that the petitioner want only quarreling the respondent and she only thrown him out of the house and she is capable to maintain herself. But he has not not produced any material to show that petitioner is having sufficient income to maintain herself and the children. So the objection raised by the respondent clearly demonstrates that he has not made any arrangements for the livelihood of the petitioner and her children. The endorsement issued by the jurisdictional police prima facie discloses the matrimonial dispute between the parties and they are living separately and no arrangement for maintenance of the petitioner and children is made by the respondent. On the other hand, he used to ill treat the petitioner during her stay in the

matrimonial home. As such, one can infer that the petitioner is living separately along with her children at the mercy of her parents who themselves living in a destitute condition due to poverty. However, the materials on record reveals that the respondent is not disputing the fact that the petitioner is his legally wedded wife and also the birth two children due to their marital relationship. As such, in view of the marital relationship of the petitioner with the respondent, he is bound to maintain the petitioner and the children. Further, it is the bounden duty of the husband to look after his wife and child / children and mere furnishing the document stating that his vehicle is hypothecated to a finance and he is having no income will not absolve the liability of the respondent to maintain his legally wedded wife and children. Hence, considering the status of the parties, these hard days, and the fact and circumstances of the case, I deem it proper to award some interim maintenance o the petitioner and to her children In the circumstances, the **point No.1** is answered **Partly in the affirmative.**

11. **Point No.2**: For the aforesaid findings, I proceed to pass the following:

**O R D E R**

The Applications filed at IA.No.I and II by the petitioner are hereby allowed in part.

In the result, a protection order is issued in favour of the petitioner and consequently, the respondent is hereby prohibited from committing any act of violence against the petitioner.

Further, the respondent is directed to pay maintenance of Rs.3,000/- per month to the petitioner and Rs.2,000/- per month to each child from the date of IA.No.II till further orders.

No order as to costs.

(Dictated to the Stenographer directly on computer, revised, corrected and then pronounced by me in the open Court on this the 12<sup>th</sup> day of March 2025)

Prl. Senior Civil Judge & JMFC  
Hunsur