

KAMS300013292020



**IN THE COURT OF THE ADDITIONAL SENIOR CIVIL JUDGE
AND JMFC AT HUNSUR**

Present: Smt.Anitha, B.A. (Law) L.L.B.,
Addl. Senior Civil Judge & JMFC.,
Hunsur.

Dated this the 17th day of March, 2025.

Crl.Mis.No.59/2020

Petitioner: Nandini K.S., W/o Late Malathesh,
Aged 55 years, R/at # 323, Malathesh Sadana,
B.M.Road, Hunsur.

-Vs-

Respondents: 1. H.M.Vishwanath, S/o Late Mallappa,
Aged about 60 years, R/at # 323,
Malathesh Sadana, 1st Floor, B.M.Road,
Hunusr Town.

2. H.M.Rangamallaiah, S/o Late Mallappa,
R/at # Near dream land bar and restaurant
N.S.Thittu, B.M.Road, Mysuru District.

ORDERS PASSED ON MEMO DATED 15.10.2024

The learned counsel for the petitioner filed the memo to reject the additional objections filed by the 1st respondent dated 24.09.2024.

2. In the memo it is stated that, the 1st respondent filed his objection to the application filed under Section 12 of Protection of Women From Domestic Violence Act, 2005 on

10.09.2024 and at the time of filing the said objection he has not reserved his right to file additional objection to the application filed under Section 12 of Protection of Women From Domestic Violence Act, 2005. It is further stated that, on 24.09.2024 the 1st respondent filed additional objection to the application under Section 12 without the signature of advocate. It is well settled principles of law that, without reserving the right to file additional objections or without filing proper application a party to the proceedings cannot file additional objections. Hence, additional objection filed by the 1st respondent dated 24.09.2024 is to be rejected and prayed to allow the memo.

3. The memo has been opposed by the 1st respondent contending that, the memo is not maintainable and it is unknown to law. The petitioner should have invoked regular provisions available under law in order to seek the relief if any under the alleged memo. Th petitioner apprehends the statements made in the fresh objection naming advocate R.S.Pavithra and that of another counsel Karnikmal. It is further contended that, the Hon'ble Principal Senior Civil Judge before transfer of file to this court had rightly posted the matter to hold enquiry on main matter. The petitioner apprehended about the truth coming out in the course of enquiry and the memo is filed to drag on the proceedings. The respondent reserves his right to furnish documents in respect of negotiations held in the office of CDPO, Hunsur in the

presence of advocate R.S.Pavithra, petitioner and respondents which will reveal the truth of the conduct of the parties across the table. The 1st respondent further reserves his right to furnish the certified copies of Special Case in 381/2024 on the file of Hon'ble II Addl.District and Sessions Judge, At Mysore pertaining to the offences of Karnikmal, who is an Advocate. It is further contended that, the present memo under Section 12 of DV Act is parallel allegations made to the application filed under Section 12 of DV Act by the petitioner. The petitioner cannot seek relief as claimed in the memo without invoking provision of law. Hence, prayed to dismiss the memo.

4. Thereafter, heard arguments addressed by learned counsels for the petitioner and the respondents and perused the case papers. After hearing the arguments and on perusal of the case papers, the points that arise for consideration are as hereunder:

POINTS

1. Whether the petitioner has made out sufficient grounds to reject the objection filed by the 1st respondent on 24.09.2019?
2. What order?
5. The findings of the above points are as hereunder:

Point No.1: In the Negative

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

REASONS

6. **Point No.1:-** It is very important to note that, originally the CDPO, Hunsur Taluk has submitted the Domestic Incident Report before this court under Section 12 of DV Act seeking several reliefs. The said Domestic Incident Report was received before this court on 02.12.2020 and said Domestic Incident Report was put up before the court on 07.12.2020 and this court ordered for registering the criminal case. Thereafter, this court issued notice to the respondents. To the said Domestic Incident Report the respondents filed the objection on 10.09.2024 and the case has been posted for objection of 2nd respondent. As per the records on 24.09.2024 the 1st respondent filed the objection to the petition under Section 12 of DV Act. Therefore, there are petitions filed by the petitioner are available before the court out of which is one is filed in the guise of Domestic Incident Report and another is filed in the guise of petition under Section 12 of DV Act. Admittedly, on 24.09.2024 the 1st respondent filed the objection to the main petition again and the on same date the 2nd respondent also filed the objection to the main petition. Thereafter, the case was posted for petitioner evidence. As such this memo is filed to reject the objection filed by the 1st respondent dated 24.09.2022.

7. It is very important to note that, in the petition filed by the petitioner under Section 12 of DV Act, she has elaborately narrated the domestic violence committed upon her

by the respondents. As such the respondents have got a right to oppose the petition filed by the petitioner under Section 12 of DV Act. Therefore, at this stage this court comes to conclusion that, there is no grounds made out by the petitioner to reject the objection filed by the 1st respondent dated 24.09.2024. Further, in the objection statements the 1st respondent contended that, in the objection filed by the 1st respondent there are direct allegations made against the counsel for the petitioner and in order to avoid the same this memo is filed which is not at all tenable under law. Hence, this court comes to the conclusion that, the memo filed by the petitioner dated 15.10.2024 is devoid of merits. Accordingly, point No.1 is answered in the Negative.

8. **Point No.2:** In view of the reasons discussed above, this court proceeds to pass the following:

ORDER

The memo filed by the petitioner
dated 15.10.2024 is hereby rejected.
No order as to costs.

(Dictated to the Stenographer, transcribed and computerized by her on the computer, transcript corrected and pronounced by me in the open court on this the 17th day of March, 2025)

(Anitha)
Addl. Senior Civil Judge and J.M.F.C.,
Hunsur.

