



Presented on : 19-06-2024

Registered on : 21-06-2024

Decided on : 27-06-2026

Duration: 2 years, 0 months, 8 days

**IN THE COURT OF THE PRINCIPAL CIVIL JUDGE & J.M.F.C.
LINGASUGUR.**

Present :Sri. AMBANNA. K.

B.Com.LL.B.(Spl)

Civil Judge & J.M.F.C. Lingasugur.

Crl.Misc.No.1422/2024.

Dated this 27th day of June, 2026.

- Petitioner :**
1. Lakshmi @ Vijayalakshmi
W/o Ajaykumar Kumbar,
Age: 26 years, Occ: Household,
 2. Shrinidhi D/o Ajaykumar Kumbar,
Age: 06 years, Occ: Student,
 3. Bhavani D/o Ajaykumar Kumbar,
Age: 05 years, Occ: Student,
The petitioner No.2 & 3 are minors and they
are in care and custody of petitioner No.1 Smt.
Lakshmi @ Vijayalakshmi
W/o Ajaykumar Kumbar,
All are R/o Mudhol, Tq: Mudhol,
Now residing at Huligudda,
Tq: Lingasugur, Dist: Raichur.

(By Sri. A.L.K., Advocate.)

-Vs-

Respondents :

1. Ajaykumar S/o Shivaputra Kumbar,
Age: 31 years, Occ: Transport business,
Driver and Agriculture.
2. Shivaputra S/o Kalappa Kumbar,
Age: 55 years, Occ: Bond writer, Va Shekthi,



3. Gangubai W/o Shivaputra Kumbar
Age: 54 years, Occ: Household.
4. Jyothi W/o Paramananda Kallolli @ Kumbar,
Age: 34 years, Occ: Beauty Parlour,
5. Manjula W/o Suresh Kumbar,
Age: 28 years, Occ: Household,
6. Danavva W/o Mahesh Kumbar,
Age: 40 years, Occ: Cooking in Hostel.
7. Paramananda Kallolli @ Kumbar,
Age: 40 years, Occ: Private Job
8. Suresh S/o Kulanakar Kumbar,
Age: 33 years, Occ: Agriculture.
All are R/o Ward No.14 SBI Colony,
Vinayaka Nagar, Mudhol,
Tq: Mudhol. Dist: Bagalakote.

(R.1 placed exparte)

(R.2 to 8 By Sri. M.A.B., Advocate.)

ORDER

The petitioners have filed this petition U/Sec.12 of Protection of Women from Domestic Violence Act, 2005 seeking the reliefs of Protection Order, Residence Order, Monetary Reliefs and Compensation and such other reliefs.

2. The brief facts of the petitioner's case is as under :-

It is submitted by the petitioners that, the petitioner No.1 is the legally wedded wife of respondent No.1 and the petitioner No.2 and 3 are their children and they are in care and custody of petitioner No.1. The marriage of petitioner No.1 with respondent No.1 was solemnized on 14-05-2017 at Hemareddy Mallamma Kalyana Mantapa at Mudhol, as per their rituals. At the time of



marriage the parents of the petitioner No.1 they have given 8 tolas of Gold Rs.1 lakhs cash and utensils worth Rs.1 Lakh to the respondents. At the time of engagement the parents have given half tola gold to respondent No.1 and also 4 tolas of gold to petitioner No.1. after the marriage the petitioner No.1 went to the matrimonial home for leading marital life. After one year the respondent No.4 by name Jyothi came to the house by leaving her matrimonial house and also her husband came to their house. Their being there are 14-15 persons are residing in the house of the respondents. As such the petitioner No.1 made continuously worked at the house of respondent. In spite of it petitioner No.1 has tolerated same for her better future. Out of their wedlock the petitioner No.2 and 3 were born.

Thereafter the respondent No.1,3 4,5 and 6 are started give harassment to the petitioner by saying that, you gave birth to only female child and not to give birth male child. Further the respondent No.1 has started to give harassment by assault by instigating of the other respondents. Therefore the petitioner No.1 intimated the same to her parents over the phone. For which the respondent No.1 snatched the 4 tolas of gola Mangalasutra and also demanded additional dowry of Rs.50,000/- for purchasing bike and gold from the parental home. Further the respondents have caused domestic violence on the petitioners. Upon the cruelty made by the respondents the petitioner No.1 attempt to commit suicide by felling from top of the house. Therefore, she sustained grievous injuries. The neighbors have intimated about the incident to her parents and they came and took her to hospital at Mudhol for treatment. Thereafter, they went to the Mudhol Police station for giving complaint. At that time the



Mudhol police have called respondent No.1 and 2 and advised them, for which they confessed to not to give harassment in future. But they did not heed the advise and again they given harassment to the petitioner.

It is further stated that, the respondent No.1 has not given any maintenance to the petitioner and her children and they are in need of Rs.60,000/- per month. It if further stated that, the respondent No.1 running transfer business and being a driver and earning income of Rs.1 lakh per month. Further the respondent is having 05 acres of agriculture land at Thalewada, Kollhar Taluk and getting income of Rs.10 lakhs per annum. Apart from that the respondent had 2 plots at mudhol and a house and getting income of Rs.6,000/- per month. The respondent No.2 is a bond writer and getting income of Rs.1 lakh per month. Therefore, the respondents are in capacity to give maintenance to the petitioner. Inspite of it the respondents have neglected the petitioners. Further it is stated that, the petitioner No.1 having threat from the respondents. Hence it is necessary to pass protection order against the respondents U/Sec.18 of the PWDV ACT 2005. For the above said reasons, the petitioners prayed to pass an order against the respondents granting the above reliefs and also directing the respondent No.1 to pay maintenance and such other allowances.

3. In response to the notice issued by this court, respondents have appeared before this court though their counsel. The application is seriously opposed by respondent No.2 and 3 by filing the written objections. In the objection the respondent No.2 and 3 have denied all the allegations made by the petitioner No.1. Further it is stated that, the petitioner No.1 and respondent



No.1 had been residing with them for only year. At that time they did not give harassment or caused any domestic violence on the petitioners. It is further stated that the respondent No.4 has been residing in her matrimonial house with respondent No.7. It is further stated that the respondent No.8 has been residing in her matrimonial house. That being so the respondent No.4 to 8 did not made any domestic violence on the petitioner No.1. It is further submitted that, the petitioner No.1 used to quarrel without any reason. Further she did not heed the words of her husband. Further the petitioner No.1 has forced to respondent No.1 to make separate house. For which they have residing in rented house. Therefore, the petitioner No.1 and respondent No.1 have not been residing with them. The respondent No.2 and 3 have purchased a new car and TATA AC for respondent No.1, but respondent No.1 caused loss. Hence the respondent No.2 has been repaid the said loan by selling the house. Therefore the petitioner No.1 has left out the matrimonial house by hearing the words of her mother. Therefore, the petitioners have filed this petition in order to harass the respondents. Hence they prayed to dismiss the petition with costs.

4. In support of the case of the petitioners, the petitioner No.1 herself has examined as P.W.1 and examined one more witness as PW-2 and got marked documents at Ex.P.1 to 7. On the other hand to disprove the case of petitioner, the respondent No.2 examined as RW-1 and adduced one more witness as RW.2 and they did not produce any documents.

5. Heard the arguments of the learned counsel appearing for the petitioners and respondent. Perused the materials available on record.



6. The points that would arise for determination is :

1. Whether the petitioners prove that respondent has caused Domestic Violence against them ?
2. Whether the petitioners are entitled for maintenance as claimed ?
3. Whether the petitioner is entitled for residence order and compensation as claimed by her ?
4. What Order ?

7. My answer to the above Points are as under:

Point No.1 : In the Affirmative

Point No.2 : Partly in the Affirmative

Point No.3 : In the Negative

Point No.4: As per the final order for the following;

R E A S O N S

8. **POINT NO.1:** It is not in dispute that, the petitioner No.1 is the legally wedded wife of respondent No.1 and the petitioner No.2 and 3 are their children. The marriage of petitioner No.1 with respondent No.1 was solemnized on 14-05-2017 at Hemareddy Mallamma Kalyana Mantapa at Mudhol, as per their rituals. Out of their wedlock the petitioner No.2 and 3 were born. Thereafter the respondent No.1, 3, 4, 5 and 6 are started give harassment to the petitioner by saying that, you gave birth to only female child and not to give birth male child. Further the respondent No.1 has started to give



harassment by assault by instigating of the other respondents. Therefore the petitioner No.1 intimated the same to her parents over the phone. For which the respondent No.1 snatched the 4 tolas of gola Mangalasutra and also demanded additional dowry of Rs.50,000/- for purchasing bike and gold from the parental home. Further the respondents have caused domestic violence on the petitioners. Upon the cruelty made by the respondents the petitioner No.1 attempt to commit suicide by felling from top of the house. Therefore, she sustained grievous injuries. Further the respondents have neglected the petitioners. Further it is stated that, the petitioner No.1 having threat from the respondents. Hence it is necessary to pass protection order against the respondents **U/Sec.18 of the PWDV ACT 2005.**

9. It must be noted that the word **domestic violence is defined in section 3 of the Protection of Women from Domestic Violence Act 2005.** If a petition is presented under section 125 Cr.P.C., the petitioner is required to show that she is unable to maintain herself and the respondent has sufficient means to pay maintenance and the respondent has neglected and refused to maintain her. But, in a petition under the provisions of this act, if the petitioner is able to show that the respondent had committed the domestic violence, she will be entitled for the reliefs sought in the petition. **As per section 3 of this act,** *any omission or commission or conduct of the respondent which harms or injures or endangers the life, safety, life or limb or well being of any kind of the petitioner is covered under the domestic violence. Further, any type of harassment, harm, coercing to meet any unlawful demand*



including dowry, threat also included in it. Further, any type of physical abuse, mental abuse, sexual abuse, verbal abuse, insult, ridicule, humiliation or any type of economic abuse and deprivation of financial resources would constitute domestic violence. Explanation-II of section 3 further clarifies that, for the purpose of determining whether any act or omission or commission or conduct of the respondent constitutes domestic violence under this section, the overall facts and circumstances of the case shall be taken into consideration.

10. In the present case, if the petitioner No.1 is able to prove at least one of the allegations made against the respondents, it would constitute domestic violence and she will be entitled for the relief sought in the petition.

11. In order to prove her case the petitioner NO.1 herself examined as PW.1 and she reiterated the averments made in the petition in her chief examination. During the cross examination she has denied that, her parents have not given any 8 Tolas of gold and 1 lakh cash to the respondent No.1. Further she has denied that, sister in laws have been residing their respective matrimonial houses. Further she denied that, she herself fell down from top of the house and caused injuries. Further she denied all the suggestions put by the respondents.

12. PW.2 Shivashankar Kumbar, who is the father of the petitioner No.1 has reiterated the version of PW.1 in the chief examination. During the cross examination he has admitted that, he had 2 sons and a daughter. Further he has stated that,



they have not given any 8 Tolas of gold and 1 lakh cash to the respondent No.1. Further he has denied that, sister in laws of PW.1 have been residing their respective matrimonial houses. Further he denied that, the petitioner No.1 herself fell down from top of the house and caused injuries. Further he denied that the respondents did not made any domestic violence against the petitioners.

13. In support of oral evidence the petitioner produced documents at Ex.P.1 to 7. on perusal the Ex.P.1 is the Marriage agreement (ಲಗ್ನಾಯಾದಿ ಕರಾರು ಪತ್ರಿಕೆ), Ex.P.2 is the Wedding Card. Ex.P.3 to 5 are the Photographs, Ex.P.6 is the RTC extracts pertaining to land bearing Sy.No.324/3, measuring 03 acres 20 guntas situated Talewad Village, Ex.P.7 is the endorsement issued by the Mudgal Police.

14. On the other hand the respondent No.2 examined as RW.1 and he had reiterated the objection contentions in his chief examination. During the cross examination he has denied that, there are 14-15 members have been residing jointly. Further he has denied the respondent No.1 to 8 have gave harassment to the petitioner No.1 for giving birth to female child. Further he did not know as to the respondent No.1 has demanded Rs.50,000/- from the parents of petitioner No.1 for getting motor cycle. Further he denied that, he being a bond writer having Rs.1 lakh income per month. Further he has also denied that, the respondent No.1 is doing transport business and being a driver and earning income of Rs.1 lakh per month.



15. The RW.2 Srishail Bidari as reiterated the version of RW.1 in the chief examination. During the cross-examination he has also denied all the suggestions put by the petitioners.

16. having gone through the above oral documentary evidence which reveals that, now the petitioner No.1 to 3 have been residing in their parental home. It must be noted that, the respondent No.1 has not appeared before the court and he remained exparte. The respondent No.2 and 3 have only filed objections stating that, they have not caused any domestic violence. That itself is shows that, the conduct of the respondent No.1 that, he is not take back the petitioners to their home. Moreover, there are materials which are photo at Ex.P.5 is clearly establishes the petitioner No.1 sustained injuries on her body. Even though the respondents have not take care and in medication of the petitioner No.1. Therefore, any act or omission or conduct of the husband which harms the wife or causes mental hurt to the husband amounts to Domestic Violence. Therefore, the degree of proof required to constitute the Domestic Violence is very less and therefore, the act of the respondent by alleging that, the respondent No.2 to 8 have harassed the petitioner No.1 by saying you have only gave birth to female child which is covered **under section 3 of Protection of Women from Domestic Violence Act 2005** and therefore, certainly it amounts to Domestic Violence.

17. It is also to be noted that in the cross examination, respondents have admitted that the petitioner No.1 to 3 are residing her parental home. There is nothing on record to show that the respondents have taken care of the petitioner No.1 to



3. Therefore, the evidence clearly speaks that the respondent No.1 has failed to provide basic amenities to his wife and his children. This is deprivation of financial sources to the petitioner No.1 and her children and therefore, falls within the meaning of economic abuse enumerated in **section 3 (IV) of Protection of Women from Domestic Violence Act 2005.**

18. In this case the respondents did not deny the relationship of the petitioners and marriage. At this stage there is no evidence to disbelieve the case of petitioners. The calling of domestic incident report by protection officer is not mandatory as per proviso of Sec.12 of D.V.Act. If Protection Officer had filed his domestic incident report the Court shall take into consideration the said report before passing any order. This ratio has been laid down by The Hon'ble Jammu and Kashmir High Court in case between **Rakesh Chowdhary and others. Vs. Vandana Chowdhary.**

19. Normally, the aggrieved person is only the eye-witness for domestic violence caused on her. In the present case the PW-1 clearly deposed about the domestic violence committed by the respondents. There is no materials to disbelieve the version of PW-1 at this stage. The oral evidence given by the PW-1 and 2 and documentary evidence produced by the aggrieved persons clearly show the domestic violence committed by the respondents. Therefore, the petitioners have proved that the respondents have subjected the petitioners to Domestic Violence. **Accordingly, I answer point No.1 in the affirmative.**



20. POINT NO.2:- The petitioners have claimed maintenance of Rs.60,000/- per month. It is not in dispute that petitioner No.1 is legally wedded wife of respondent No.1 and petitioner No.2 and 3 are their children. It is duty of the husband to maintain his wife and children as dutiful husband and father. It is also not in dispute that the petitioners have no independent source of income. Therefore, the petitioners are unable to maintain themselves. Hence, for their food, clothing, and shelter and also for medicine, petitioners needs maintenance.

21. According to petitioner No.1, respondent No.1 is being a driver and running transport business and getting income of Rs.1,00,000/- p.m. The respondents have denied the same. The income and the property of the respondents as alleged by the petitioner is denied in their objection. But the respondents have failed to disclose as to what is their present income. Moreover the petitioners have not produced any documents to show the exact income of the respondent No.1. The income of the respondent No.1 within his special knowledge. It is the duty of the respondent No.1 to disclose the same as provided **under section 106 of Indian Evidence Act 1872**. Even otherwise an able bodied husband has to maintain his wife and children. It is not the contention of the respondents that they have no avocation. It must be noted that, the petitioner has produced RTC extracts pertaining to land bearing Sy.No.324/3, measuring 03 acres 20 guntas situated Talewad Village which is standing in the name of respondent No.2 who is the father of respondent No.1.

22. As already observed above, the petitioners needs money for food, clothing, shelter and other requirements. At least a sum of



Rs.3,000/- per month is required to the petitioners for maintenance. It is admitted fact that the RW-1 has admitted in the evidence that they have land Sy.No.324/3, measuring 03 acres 20 guntas situated Talewad Village which is standing in the name of respondent No.2 who is the father of respondent No.1. The evidence strongly probable that the respondent No.1 is having sufficient income to pay maintenance.

23. In this regard this court relied a decision **P.K. Nagarajan Vs. N.Jeyarani of Madras High court.** *wherein it is held that, the relief provided under Protection of Women from Domestic Violence Act, 2005 is in addition to the relief which may available in any legal proceedings before Civil Court, Family Court or Criminal Court affecting the aggrieved person and respondent as per the decision in the case of Maroti Vs. Gangubai and another [2012] reported in DMC 201 Bombay.* Also it is to be noted that the maintenance order need not be based on the domestic incident report. Therefore, in my opinion, awarding of maintenance of Rs.3,000/- per month to the petitioner No.1 to 3, it would meet the ends of justice. **Accordingly, I answer point No.2 partly in affirmative.**

24. Point No.3:- Further the petitioners have also been claiming residence order and compensation and other reliefs. So far as the residential order is concerned the petitioner No.1 has not produced any documents pertaining to shared household. Hence petitioner No.1 has failed to prove the existence of the shared household by documentary evidence. Under such circumstances this court is unable to grant residential order. Though the petitioner No.1 has claimed compensation of Rs.20,00,000/-



amount. While discussing point No.1 this court also held that respondents have subjected the petitioners to cause Domestic Violence. Though the mental cruelty suffered by the petitioners cannot be valued in terms of money, there shall be basis for awarding compensation. The petitioners have not made out grounds to award compensation. For the reasons stated above, I am of the considered opinion that, the petitioners are not entitled for residence and compensation order. **Accordingly, I answered point No.3 is in the Negative.**

25. Point No.4:-In view of the answers given on the above points, petitioners are entitled for Protection Order and monthly maintenance of Rs.3,000/- each. The relief claimed by the petitioners with respect to residential and compensation order are hereby rejected. Accordingly. I proceed to pass the following :

O R D E R

The petition Under Sec.12 of P.W.D.V. Act is hereby partly allowed.

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

Further, respondents are restrained from causing any act of Domestic Violence against the petitioners.

The other reliefs claimed in the petition are hereby rejected.



**Office is directed to furnish free copy of
this order to the petitioners and also send a
copy of the same to the Protection Officer.**

(Dictated to the Stenographer, transcription generated through the computer by
her, corrected by me and then signed and pronounced by me in the open court
on this the 27th day of June, 2026.)

**(AMBANNA.K)
Prl., Civil Judge and JMFC.,
Lingasugur.**

A N N E X U R E

List of witnesses for petitioners side:

PW-1 : Lakshmi.
PW-2 : Shivashankara Kumbar.

List of witnesses for respondents side:

RW-1 : Shivaputrappa.
RW-2 : Srishaila.

List of documents for petitioner side:

Ex.P-1 : Marriage agreement.
Ex.P-2 : Marriage invitation.
Ex.P-3 & 4 : Photos.
Ex.P-5 : Photo.
Ex.P-6 : RTC extract.
Ex.P-7 : Endorsement of Mudgal Police station.



List of documents for respondent side:

-NIL-

**(AMBANNA.K)
Prl., Civil Judge and JMFC.,
Lingasugur.**