

KAVP500030432023



Presented on : 05-08-2023

Registered on : 05-08-2023

Decided on : 02-06-2026

Duration : 02-Yrs, 09-months, 29-days

**IN THE COURT OF HON'BLE I ADDL. SENIOR CIVIL
JUDGE AND JMFC, SINDAGI
AT: SINDAGI.**

Present – Shri. Abdul Rahiman .A. Mulla

B.A.L.,LL.B.(Hon's)

**I Addl. Sr. Civil Judge & JMFC,
Sindagi.**

Criminal Misc. No.90/2023

Dated this 2nd day of June-2026

petitioners/s:

1. Nagamma
W/o. Malingaraya Kumatagi
Age:22 years, Occ: H.H.Work.
2. Renuka
S/o. Malingaraya Kumatagi
Age:06 years, Minor R/by her mother
petitioners No.1
Both are situated at Somajal village
Tq : Almel, Dist: Vijayapur

(R/By Sri.R.D.A, Adv.,)

//Versus//

Respondent/s:

1. Malingaraya
S/o. Dhareppa Kumatagi
Age : 29 years, Occ: Agril,
2. Tippanna S/o. Dhareppa Kumatagi
Age: 60 years, Occ: Agril.

3. Laxmibai W/o. Tippanna Kumatagi
Age:55 years, Occ: H.H.Work,
R/o. Somajal, Tq : Almel
Dist: Vijayapur,

(R/By Sri.A.K.K Adv.,)

Date of petition : 09-08-2023

Date of order : 02-06-2026

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: ORDER :

This is a petition filed by petitioners against respondents seeking protection order, residence order, compensation order, maintenance order and monetary relief u/Sec.18 to 22 of Protection of Women from Domestic Violence Act, 2005.

The brief facts of the petition is as under:

2. That marriage of petitioner No.1 with respondent No.1 was solemnized about 6 years back as per Hindu customs and traditions. At the time of marriage, respondent No.1 was given Rs.51,000/-, five tolas of gold, chain and finger ring and also provided with all the items ought to be given at the time of marriage. The parents of petitioner No.1 spent

Rs.1,00,000/- towards marriage. Later petitioner No.1 joined the company of respondent No.1 to lead marital life, wherein they happily resided for three years and one child is born. That respondent No.2 and 3 are in-laws of petitioner No.1.

- 3.** Recently respondent No.1 fell prey to bad vices, developed illicit relationship with another women and started to ill-treat petitioner No.1 mentally and physically, which was tolerated by petitioner No.1. Further by listening to the words of other respondents, respondent No.1 has ousted petitioner No.1 from his house in order to bring Rs.2,00,000/- from her parental house. On 05.01.2022, she has informed the same to her parents and on the next day panchayat was conducted, wherein respondent No.1 has firmly stated that, only if petitioner No.1 brings Rs.2,00,000/-, then she can return to his house. Thereafter petitioner No.1 has returned to her parental house. About two years back by conducting

panchayat petitioner No.1 was left in the house of respondent No.1 and later when respondent No.1 started ill-treating petitioner No.1, parents of petitioner No.1 have taken their daughter back to their house on 03.03.2022.

4. That respondent No.1 till today has not made any arrangements towards maintenance of petitioners. The family of respondents own land bearing R.S.No.52/5 measuring 18 acres in Somajal village, out of which they earn Rs.20,00,000/- per year. The petitioner No.1 requires Rs.10,000/- p.m and petitioner No.2 requires Rs.5,000/- p.m towards food, clothing, medical expenses and rent and respondent No.1 is capable to provide the same. Further petitioners are also entitled for compensation amount of Rs.1,00,000/-. Hence, the present petition.

5. After receipt of notice, respondents appeared through their counsel, wherein respondent No.1 filed objections to the main petition, which was adopted

by other respondents by filing memo, wherein respondent No.1 admitted relationship and marriage with petitioner No.1 and denied rest averments of the petition and contended that, till today he is ready to take back petitioner No.1 to lead marital life. The petitioner No.1 is healthy, hence question of granting maintenance to her does not arise. The respondent No.1 is doing coolie work, hence he is not in position to give maintenance amount as sought for and amongst these grounds prayed to dismiss the petition.

6. In order to prove their case, petitioners examined petitioner No.1 as P.W.1 and got marked documents at Ex.P.1 to Ex.P.3 and closed their side. On the contrary, respondents examined respondent No.1 as R.W.1 and two witnesses were examined as R.W.2 and R.W.3 and closed their side.

7. Heard. Perused the records.

8. The points that arise for my consideration are as under:

1. Whether petitioners are entitled for the relief as claimed in the petition ?
2. What order ?

9. My findings to the above points are as under:

POINT NO.1: Partly in the Affirmative.

POINT NO.2: As per final order for the following:

-: R E A S O N S :-

10. **POINT NO.1:** The petitioners in order to prove their contention have examined petitioner No.1 as P.W.1, who filed her affidavit in lieu of examination-in-chief by re-iterating the averments of petition and got marked documents at Ex.P.1 to Ex.P3.

11. She was cross-examined by learned counsel for respondents, wherein she admitted that, 18 acres of fertile land belongs to her father. She further stated that, her father-in-law possesses 18 acres of

land. She admitted that, for a period of 6 years she has happily resided with her husband and denied that, she used to quarrel with respondent No.1 on petty reasons. She admitted that, respondent No.1 has responsibility to look after his parents and she voluntarily has left the house of respondent No.1, in-spite of her husband asking her to come and stay in Somajal village. She admitted that, she is now residing in her parental house from past three years and also admitted that, she has not filed any complaint before jurisdictional police for ill-treatment given by her husband. She further admitted that, she receives Rs.200/- daily towards her coolie and denied rest suggestions which were made to her.

- 12.** Hence on perusal of evidence given by this witness, in one breath petitioner No.1 stated that, from 3 to 4 years, she is residing in parental house and in another breath she stated that, about two years back panchyat was held, wherein both the versions

do not tally with each other. Based on these allegations, the entire case putforth by petitioners cannot be brushed aside. The documentary evidence adduced by petitioners clearly reveals that, petitioner No.1 is wife and petitioner No.2 is child of respondent No.1, whereas Ex.P3 is RTC extract mutated in the name of respondent No.2.

13. Hence, on perusal of both oral and documentary evidence adduced by petitioners, it reveals that, respondent No.1 has not made any arrangements towards maintenance of petitioners till today.

14. On the contrary, respondent No.1 examined himself as RW.1 by filing his affidavit in lieu of examination-in-chief by reiterating the averments of objections. He was cross-examined by learned counsel for petitioners, wherein he stated that, petitioner No.1 has not come to his house to lead marital life. If this contention is to be believed, then there is no explanation offered by respondent No.1

about the birth of petitioner No.2. He further admitted that, from 03.02.2022 he has not made any arrangements towards maintenance of petitioners and denied rest suggestions which were made to him.

- 15.** Hence, on perusal of oral evidence adduced by R.W.1, he has clearly stated that, he has not made any arrangements towards maintenance of petitioners.
- 16.** Further, respondent No.1 in support of his case examined R.W.2, who upon cross-examination stated that, respondent No.1 does coolie work and denied that, respondent No.1 has contracted 2nd marriage to dupe petitioner No.1. Further, R.W.3 was examined, who upon cross-examination has denied all the suggestions which were made to him.
- 17.** Hence there is no oral and documentary evidence on record to show the income of respondent No.1.

Hence, petitioners are entitled for protection order in order to curtail acts of respondents towards them.

18. Further petitioner No.1 is claiming to provide residence order in her favour. When petitioners are residing in parental house of petitioner No.1 from past three years, hence question of granting residence order does not arise.

19. Further, petitioners have claimed compensation of Rs.1,00,000/- from respondent No.1. PW.1 in the petition as well as in her evidence affidavit clearly stated that, respondent No.1 has ousted her from his house, but same is not supported by cogent evidence. The documents produced by petitioners and assets and liabilities statement nowhere shows the income of respondent No.1. Hence, this court is of the opinion that, respondent No.1 is liable to pay Rs.20,000/- as compensation to petitioners and respondent is hereby prohibited from giving any domestic violence to petitioners in future. Further if

at all Rs.3,000/- P.M is granted to petitioner No.1 and Rs.1,000/- P.M is granted to petitioner No.2 as maintenance from respondent No.1 from the date of petition, no prejudice will be caused to both the sides. Hence, for the above said reasons, I answer

Point No.1 Partly in the Affirmative.

20. POINT NO.2 : For the reasons and findings given to point No.1, I proceed to pass the following:

: O R D E R :

The petition filed by petitioners under Protection of Women from Domestic Violence Act, 2005 is hereby allowed in part.

The respondents are hereby prohibited from committing any act of domestic violence against petitioners.

Respondent No.1 is hereby directed to pay Rs.3,000/- p.m to petitioner No.1 and Rs.1,000/- p.m to petitioner No.2 from the date of petition towards her maintenance.

The respondents shall provide Rs.20,000/- as compensation to petitioners.

Supply free copies of this order to parties and also send copy of this order to jurisdictional police station for further action.

(Directly dictated to the stenographer on computer, corrected by me and then pronounced in the open court on this 2nd day of June-2026).

(Abdul Rahiman .A. Mulla)
I Addl. Sr. Civil Judge & JMFC,
Sindagi.

ANNEXURES

List of witness examined for the petitioners:

PW.1 : Nagamma W/o. Malingaraya Kumatagi

List of documents exhibited for the petitioners:

Ex.P1 & 2 : Marriage photos

Ex.P3 : C/c of RTC extract

List of witness examined for the Respondent

RW.1 : Malingaraya S/o. Tipayya Kumatagi

RW.2 : Tipparaya S/o. Dhareppa Kumatagi

RW.3 : Ningappa S/o. Jadadari Pujari

List of documents exhibited for the respondent.

I Addl. Sr. Civil Judge & JMFC,
Sindagi.