



- : **ORDER BELOW EXHIBIT No. 24** :-
[Passed on this 22nd day of September, 2021]

Present application is filed by applicant No. 1. By this application the applicant prayed to add person namely Rupali Pandey as respondent in the present case. It is contended in the application that after January 2017 respondent No. 1 develop love affair with their neighbour Rupali Pandey. Due to that affair he started ill-treatment to the applicant. Rupali Pandey also set up quarrel with the applicant. She is started residing with the respondent No. 1 in tenanted premise. She is responsible for causing Domestic Violence and emotional distress to the applicant. On these grounds the applicant prayed to add Rupali Pandey as respondent.

2] Respondent No. 1 filed his say vide Exh. 26. He denied all the allegations of the applicant. He denied his illegal affair with another lady. He also denied domestic violence on that ground. He contended Rupali Pandey is not necessary party in the present case. He lastly, prayed to reject the application.

3] Heard Ld. Counsel Shri N.D. Anjankar for the applicant and Ld. Counsel Mrs. Kalambe for respondent. The issue in the application is that whether person name in the application can be added as a party in the proceeding. In order to answer this issue provisions of Domestic Violence Act, 2005 need perusal. Section 2 of the said Act speaks for important definitions. As per Section 2 (a) "Aggrieved person" means

any women who is, or has been, in a domestic relationship with the respondent who alleges to have been subjected to any act of Domestic Violence by the respondent. Bare perusal of these provision shows that there must be domestic relationship between the respondent and aggrieved persons.

4] Some domestic relationship is define in Section 2(f) of the said Act, which says “Domestic relationship” means a relationship between two persons who live or have, at any point of time, lived together in a share household, when they are related by consanguinity, marriage or through a relationship in the nature of marriage, adoption or are family members living together as a joint family.

5] Above mention definition shows that there must be domestic relationship between the aggrieved and the respondent. In short domestic relationship is sine-quo-non for establishment of domestic violence. On this legal aspect, let the court examine whether there is or was domestic relationship of the applicant No. 1 with proposed party to be added. On that point, I carefully gone through main application of the applicant. Wherein she alleged illegal affair or respondent No. 1 with proposed parties. It is true that she has given certain incident regarding love affairs of respondent No. 1. But, controversy in the application is about addition of person namely Rupali Pandey. In paragraph No. 5 it is mention that, “the respondent is residing along with Rupali Pandey in tenanted premises”. Expect this there is nothing in application which will show that Rupali Pandey resided along with the aggrieved person in share household. I have already discuss in the above mention paragraph that there must be domestic relationship

between the parties. In the present case there is nothing concrete on record in order to show domestic relationship between aggrieved person and proposed party. Therefore, I am of the considered opinion that, proposed party namely Rupali Pandey need not to be added as a party in the proceeding. On the above mention discussion, I pass following order.

ORDER

The application is rejected.

Kalmeshwar.
Date: 22.09.2021.

(H.N. Pole)
Judicial Magistrate First Class,
Court No. 2, Kalmeshwar

ENDORSEMENT

Order Argued on	:	22.09.2021
Order dictated on	:	22.09.2021
Transcription Ready on	:	22.09.2021
Order checked and signed off	:	22.09.2021

CERTIFICATE

I affirm that the contents of this PDF file order are same word to word, as per the original Order.

Name of the Stenographer :- R.S. Daware(Gr.III)