

Ganraj + 2 X Dipali

MHGA01-000719-2019 	Presented on	:	04/06/2019
	Registered on	:	07/06/2019
	Decided on	:	05/08/2026
	Duration	:	Yr. Ms. Ds 07 01 28
	Exhibit No. 8		

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE,
GADCHIROLI, DISRICT GADCHIROLI.
(Presided over by D. M. Aher)**

P.W.D.V.A. APPEAL NO. 12/2019

- Ganraj Lakshman Awsare,**
Aged about 30 years,
Occupation : Cultivation,
- Lakshman Lavha Awsare,**
Aged about 67 years,
Occupation : Cultivation,
- Indirabai Lakshman Awsare,**
Aged about 63 years,
Occupation : Housewife,
All R/o. Bodhegaon, Tah. - Bramhapuri, .. **Appellants**
District : Chandrapur. **(Original N.As.)**

-Versus-

Sau. Dipali @ Gayatri Ganraj Awsare,
Aged about 25 years,
Occupation : Housewife,
R/o. C/o. Yashwant Deshmukh,
Sawangi, Tahsil – Desaiganj, .. **Respondent**
District : Gadchiroli **(Original Applicant)**

Shri. K.R. Mhashakhatri, Ld. Advocate for the Appellants
Shri. N.D. Warjekar, Ld. Advocate for the Respondent

**Appeal Under Section 29 of the Protection of Women from
Domestic Violence Act, 2005.**

JUDGMENT

(Delivered on 5th day of August, 2026)

1. The appellants (original non-applicants) have filed this appeal against judgment and order dated 28.08.2018 passed by learned J.M.F.C., Desaijanj in PWDVA Appln. No. 19/2017, whereby the learned J.M.F.C. granted the reliefs of protection order, maintenance, compensation and rent amount to the respondent (original applicant). (For the sake of convenience the parties are referred by their initial names.)
2. The background facts of the appeal are as follows. The original applicant Dipali married with original non-applicant Ganraj on 19.05.2014 at village Sawargaon, Taluka Bramhapuri. Initially for 15 days, Ganraj treated Dipali properly. However, thereafter, Ganraj and his parents used to demand Rs.1,00,000/- from Dipali and used to ill-treat her. In the meantime, Dipali begotton son

from Ganraj. On 04.04.2015, Ganraj and his parents raised quarrel with Dipali on account of non-fulfillment of demand and severely beat her. She called her parents. They tried to convince Ganraj and his parents. However, Ganraj and his parents were firmed on their demand of Rs.1,00,000/- and beat Dipali and driven her out of the house. Dipali along with her son went to her parents' house. Thus, Ganraj and his parents subjected Dipali to domestic violence. Dipali has no source of income. On the other hand, Ganraj possesses irrigated agricultural land and earns good income. He made no provision for the maintenance of Dipali. Hence, Dipali filed the application under Section 12 of PWDV Act for various reliefs.

3. Ganraj and his parents appeared and opposed the application, vide Exh.18. They denied that they demanded Rs.1,00,000/- from Dipali and subjected her to domestic violence. They pleaded that after marriage, for initial 15 days, Dipali cohabited properly. Thereafter, she used to frequently go to her parents' house. She used to insult Ganraj and his parents. She also used to avoid household work. On each occasion, Ganraj used to go to the parents' house of Dipali to bring her for cohabitation. On 24.02.2015, without informing anyone Dipali went to her

parents' house. Ganraj, his parents and respectable persons of the village convinced Dipali and brought her for cohabitation. However, thereafter also, there was no change in her behaviour. On 04.04.2015, Dipali falsely informed her parents about her beating. Her parents came at the house of Ganraj and took Dipali with them. Thereafter, Ganraj by issuing notices made several attempts to fetch Dipali for cohabitation. However, Dipali put a condition of separate residence from her in-laws. Ganraj refused for the same. Hence, Dipali again returned to her parents' house with child and never turned up. Ganraj and his parents have not caused any domestic violence to Dipali. Ganraj has no independent source of income. With this pleading, he prayed to reject the application.

4. Before the learned J.M.F.C., Dipali examined herself at Exh.30 and filed some documents. Ganraj in person cross-examined Dipali. Ganraj and his parents do not led evidence. The learned J.M.F.C. after examining the pleadings and evidence allowed the application. The learned J.M.F.C. prohibited Ganraj and his parents from subjecting Dipali from domestic violence and also directed Ganraj to pay maintenance of Rs.3,000/- per month to Dipali, Rs.1,500/-

per month to Tipendra, Rent of Rs.1000/- per month to Dipali for alternate accomodation and compensation of Rs.20,000/- to Dipali for pain and trauma.

5. Aggrieved by the aforesaid judgment and order, Ganraj and his parents have filed this appeal U/S 29 of PWDV Act.
6. Ganraj and his advocate do not appeared for argument. Similarly, Dipali and her advocate also do not appeared for argument. The present appeal is registered under the provisions of Code of Criminal Procedure. It is more than five years old. The Hon'ble High Court of Bombay in Santous Decosta through POA Vinsent Decosta v Sandra Santous Decosta Cri. Writ Petition No. 43/2019 dated 09.08.2019 held that the proceeding under PWDV Act are governed by the Code of Criminal Procedure and the appeal cannot be dismissed in default. It is held that if the parties are not present, the Court has to go through the record and decide the appeal on merits. On 23.06.2026 by order below Exh.1, I had directed parties and their advocates to appear for argument. However, none appeared. Hence, on 17.07.2026 I closed the arguments of the parties and kept the matter for judgment. Today also, none is present. Hence, I proceeded to decide the appeal on merits.

7. The points for determination and my findings thereon are as under :-

Sr.No.	Points	Findings
1.	Whether Ganraj and his parents have subjected Dipali to domestic violence ?	Yes
2.	Whether Dipali is entitled for protection order ?	Yes
3.	Whether Dipali is entitled for monetary reliefs of maintenance, compensation and rent towards alternative accommodation ?	Yes
4.	Whether the impugned judgment and order passed by learned JMFC is liable to be interfered with ?	No
5.	What Order?	As per final order.

As to Point No. 1 :-

8. Dipali in her evidence has reiterated her case. She deposed that Ganraj and his parents used to ask her to bring Rs.1,00,000/- from her parents and used to ill-treat her. She also deposed that on 04.04.2015 Ganraj and his

parents demanded money from her and beat her. She also deposed that thereafter, Ganraj and his parents driven her out of the house. Dipali is cross-examined by Ganraj in person. He put her some basic questions. In the said cross-examination, she has again reiterated that Ganraj and his parents beat her. Thus, nothing has come in the cross-examination of Dipali to discredit her version.

9. Ganraj and his parents do enter in the witness box. They led no evidence. As such, their statements in the reply carries no value.
10. It is clear that the evidence of Dipali is credible. Her evidence clearly shows that she was subjected to domestic violence. In view of this, I hold that Ganraj and his parents subjected Dipali domestic violence. Hence, I answered Point No.1 in the affirmative.

As to Points No.2 to 5

11. Ganraj and his parents subjected Dipali to domestic violence. Hence, Dipali is entitled for protection order. There is nothing on record to show that Dipali has sufficient means of income. On the other hand, the 7/12 extracts show that the family of Ganraj possesses agricultural land. Moreover, Ganraj is able bodied person.

Considering this, Dipali is entitled for maintenance and amount towards the rent and alternative accommodation. She is also entitled for the compensation amount towards pain and trauma. The learned J.M.F.C. has rightly granted maintenance, compensation and amount of rent towards alternative accommodation. The amount of maintenance, rent and compensation fixed by learned J.M.F.C. are adequate and reasonable.

12. In conclusion, I find that the learned J.M.F.C. has properly appreciated the evidence and rightly granted the protection order, maintenance and amount towards rent towards the alternate accommodation to Dipali and her son. Thus, the impugned judgment and order do not require interference. The appeal is liable to be dismissed. Hence, Points No. 2 and 3 are answered in the affirmative and Point No.4 is answered in the negative. In the result, in answer to Point No.5, following order is passed.

ORDER

1. The PWDVA Appeal No. 12/2019 stands dismissed.
2. The judgment and order dated 28.08.2018 passed by learned J.M.F.C., Desai Ganj in PWDV Appln. No.19/2017 is confirmed.

3. The record and proceeding of PWDV Appln. No.19/2017 be returned to the learned J.M.F.C., Desaiganj with the certified copy of judgment and order.

(The judgment is dictated and delivered in open Court.)

Gadchiroli.
Date – 05.08.2026

(D. M. Aher)
Additional Sessions Judge,
Gadchiroli.

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MHGA01-000719-2019
JUDGMENT (EXH. 8)

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PWDVA Appeal No. 12/2019
Ganraj + 2 X Dipali

CERTIFICATE

I certify that this judgment P.D.F. uploaded is a true and correct copy of original signed judgment.

Name of Court : Additional Sessions Judge,
Gadchiroli.

Name of Stenographer : Shri. R. B. Chandekar
Stenographer Grade-I