

Misc. Case No. 27/2023
J.O Code: WB01192

Order dated 02.03.2023

Record is put up today. Ld Advocate for the complainant moved the petition filed u/s 23(2) of the Protection of Women from Domestic Violence Act, 2005 dated 19.01.2023 (hereinafter referred as P.W.D.V Act).

Record is taken up for hearing of the petition filed u/s 23(2) of PWDV Act.
The complainant filed affidavit.

The complainant's contention in the petition for interim relief is that the respondent no.1 is her step mother in law and other respondents are her in laws. After marriage the complainant went to her matrimonial home/ shared household situated at Konnagar, Kanaipur, Dakshinpally, Uttarpara, Hooghly. After few days of marriage the respondents started to inflict physical and mental torture upon the complainant. When the husband of the complainant protested, he was also subjected to physical torture by the respondents. The respondents created pressure upon the complainant and her husband to transfer the joint property in the name of the respondent no.2 which was registered in the name of the complainant's husband and respondent no.2. The complainant and her husband were not provided with proper food. Respondents compelled the complainant's husband to transfer the joint property in the name of the respondent no.2 which was purchased by the husband of the complainant. Respondent no. 1 and 2 transferred one property in the name of the husband of the complainant in presence of other respondents by way of registered deed in lieu of Rs.7 lakh. From that day all the respondents left the property and the complainant and her husband are living there. The respondents used to visit in the house of the complainant and they used to misbehave with her. On 15.10.2022 the respondents came to the house of the complainant and had beaten her and her husband. The complainant was treated in hospital and she was discharged 17.10.2022. In the midnight the respondents again entered the house of the complainant and had beaten her and her husband. On 23.10.2022 again the respondents entered the house of the complainant and had beaten her and her husband. The complainant informed the incident in Kanaipur TOP. The complainant is pregnant but even then the respondents are threatening her with dire consequences.

The complainant prayed for protection order u/s 18 of P.W.D.V Act, residence order u/s 19 of P.W.D.V Act, Rs. 5 lakh as compensation u/s 22 of P.W.D.V Act.

The Ld Advocate for the complainant submitted at the time of hearing that the respondents inflicted domestic violence upon the complainant. So the complainant is entitled to the interim relief as prayed for.

The complainant filed xerox copy of one gift deed where the donee is the husband of the complainant and submitted that the shared household is in the name of the husband of the complainant.

Heard Ld. Advocate for the complainant. Considered. I have gone through the case record.

The complainant claimed that the respondents are her in laws. D.I.R is not filed.

It is admitted by the complainant that the respondent no. 1 and 2 transferred one property in the name of the husband of the complainant in presence of other respondents by way of registered deed and the complainant and her husband are living there. From the gift deed filed by the complainant today it could not be ascertained whether the said property mentioned in the deed is the present shared household property or not. From the cause title of the application also it is clear that the address of the complainant and the

address of the respondents are different.

Considering the materials available on the record, I found no urgency at this stage to allow interim relief to the complainant in absence of the respondents.

Hence, it is,

ORDERED

that the prayer for interim relief is hereby rejected ex parte but without costs.

Let the copy of this order be supplied to the complainant free of cost.

Let a copy of this order be supplied to the Protection Officer for information.

Let a copy of this order be sent to the Uttarpara PS for information.

To date (29.05.2023) for D.I.R, S/R.