

Misc-189 of 2025

Smt Mina Devi Barman vs. Smt Arti Verma

Order dated 03.01.2026

Record is put up today on the strength of the put up petition u/s 23(2) of PWDV Act.

Heard petitioner in full.

The record is taken up for passing order.

This order disposes of an application under section 23 of Protection of Women from Domestic Violence Act filed by petitioner is praying for protection from domestic violence.

The petitioner's case in a nut shell is that the petitioner is torture and harassed by the OP who is the daughter in law of the petitioner. The marriage between the son of the petitioner and respondent was solemnized on 02.05.2023 as per Hindu Rites and Customs. After marriage sometimes respondent started to pick quarrel some with the petitioner and always inflicted inhuman mental and physical tortures upon the petitioner, petitioner's son and her sick husband and other family members by various means on regular basis. On 03.10.2024 in between 10.30 PM to 10.50 PM assaulted the said petitioner with fist and blows badly. Respondent again on 21.01.2025 at 11.30 PM assaulted the petitioner and her son with fist and blows and due to said assault the petitioner and her son sustained injuries and they mid night treated at Bhatpara state General Hospital. On 22.01.2025 being helpless said petitioner and her son informed the matter to Bhatpara PS and the concerned police authority lodged a GDE being no. 1395/2025. Petitioner has prayed for protection from domestic violence and relief u/s 18, 19, 20, 22 & 23 of PWDV Act..

From the perusal of the pleadings, it appears that DIR is received. The parties are in domestic relationship and there is allegation of domestic violence upon the petitioner. At this stage all the prayers cannot be considered without appraisal of evidence. However, for the protection of basic rights of the petitioner, some of the prayers need to be considered. While considering and perusal of the case record it is observed that the Petitioner has stated in the cause title that the respondent is at present residing at Bihar. The question of protection can arise only when the respondent is residing under the same roof with the Petitioner so as to prevent the respondent from inflicting any torture upon the Petitioner. But since the Petitioner has herself admitted that the respondent is staying at Bihar at present, thus the Court finds no emergency in allowing the prayer of the Petitioner. The Petitioner is directed to serve the summons upon the respondent. Therefore the prayer of the Petitioner seeking protection order u/s 23(2) of DV Act is not sustainable and hence rejected at this stage.

Hence it is

ORDERED

the petition under sec.23(2) is rejected.

Fix for SR.