

**IN THE COURT OF THE JUDICIAL MAGISTRATE 3rd COURT,
BARRACKPORE, 24 PGS**

**PRESENT- SMT. PRATIGYA PRADHAN (WB01453)
J.M. 3rd Court, Barrackpore**

**MISC. CASE NO- 52/21
TRIAL NO-124/21
WBWP 150046252021**

Smt. Sunita Kumari Paswan

----- aggrieved person

VS.

Sri Ganesh Paswan and 05 others.

----- respondents

APPLICATION UNDER SECTION- 12 OF P.W.D.V. ACT

DATE OF FINAL ORDER-04.02.2025

Today is fixed for ex-parte order.

Aggrieved person files hazira and represented through her Ld. Advocate.

Heard the Ld. Advocate for the aggrieved person. Perused the application filed u/s. 12 of Protection of Women from Domestic Violence Act taken out by one Sunita Kumari Paswan against respondent Ganesh Paswan and five others praying for orders under section 18, 19, 20 and 22 of the P.W.D.V Act. Considered.

Now the record is taken up for passing order.

The aggrieved person's case in brief is that the marriage of the aggrieved person was solemnized with the respondent no.1 namely, Ganesh Paswan on 18.01.2020 as per Hindu rites and customs. At the time of marriage the parents and the relatives of the aggrieved party gifted several valuable articles which she subsequently brought with her to her matrimonial home. As per the demand of the respondent no.1 and his mother, the father of the aggrieved person paid Rs.4.5 lakhs in cash as dowry. After few days of marriage the respondents started to inflict mental and physical torture upon the aggrieved person. On 27.01.2020 the aggrieved party went to her parental home for 'Fera' ceremony and on 3.2.20 the respondent no.2 and 3 went to the parental house of the aggrieved party and brought her to her matrimonial home. The aggrieved party was again subjected to mental and physical torture by the respondents for the demand of dowry. On 4.3.20, the mother and the younger sister of the aggrieved party brought her back to her parental home but on 11.3.20 the respondent no.4 and his cousins sisters took her back to her matrimonial home and they did not allow her to stay at her parental home. Since then the respondents inflicted extreme mental and physical torture upon the aggrieved party for demand of dowry. The aggrieved party was made to do all the household work and they also demanded Rs.5 lakhs as dowry from the aggrieved party. When the aggrieved party expressed her inability to bring the same she was abused with filthy languages. The respondent no.1 refused and

neglected to maintain the aggrieved party. The aggrieved party even tried to commit suicide due to extreme mental and physical torture and she informed her father about the incident and on 8.7.20 the father of the aggrieved party brought to her parental house. aggrieved party suffered from depression and had to be treated for the same. Neither the respondent no.1 nor his family members enquired about the aggrieved party. On 20.2.21 the aggrieved party along with her father went to the working place of the respondent no.1 but the respondent no.1 did not listen to the aggrieved party. On 21.2.21 the respondent no.1 came to the parental house of the aggrieved party late at night and banged on the door of the house and when the father of the aggrieved party opened the door he was kicked and slapped by respondent no.1. He also abused them with filthy languages and threatened them. The aggrieved party reported about the matter to the Bizpore PS but they only made a formal inquiry. She again wrote a written complaint to Commissioner of Police, Barrackpore Police Commissionerate. The respondent no.1 is an able bodied person and he is an employee of Eastern Railways. He is presently posted at Diesel Shade-MS section Howrah as a painter and he earns not less than Rs.45,000/- as gross monthly salary. The aggrieved party herself has no source of income and she is dependent on her old father. The respondent no.1 has refused and neglected to maintain her. The aggrieved party has filed one application u/s.125 CrPC and a complaint case u/s.498A/406/323/504/506/34 IPC. The aggrieved party had prayed for Rs.20,000/- per month for herself as maintenance allowance along with other reliefs.

It appears from the record that the summons was served to the respondents and they appeared in this case by filing vokalatnama but subsequently they failed to file their show cause and WO and they also did not appear before this court as such the case was fixed for ex parte hearing.

To prove the case of the aggrieved person, she herself has deposed as P.W.1 but she did not file any document.

Perused the maintenance application, evidence of the aggrieved person and affidavit of assets and liabilities. Considered.

Considering the unchallenged testimony of the aggrieved person, I do not have any reason to disbelieve the aggrieved person's case.

Thus on the evidence on record and considering the DIR it can be deduced that the aggrieved person was subjected to physical and mental violence, by the respondents and the court does not find any ground to disbelieve the unchallenged testimony of the Petitioner/ aggrieved person.

Hence it is

ORDERED

that the prayer made by the aggrieved party is hereby allowed in part ex-parte.

Prayer u/s.18 is allowed.

The **respondents are** hereby restrained from committing any act of domestic violence upon the **aggrieved person** in any manner whatsoever hence forth.

Let a copy of this order along with the petition under hearing be communicated to **IC, Bizpore PS** with a direction to assist the aggrieved party aforementioned in the course of implementation of this order.

Prayer u/s.19 is allowed e exparte.

Respondent no.1 is further directed to pay **Rs. 3000/-** per month to the **aggrieved person as rent as it appears that the petitioner is residing separately.**

Prayer u/s.20 is allowed exparte.

The aggrieved person is residing separately at her parental house and the respondent no.1 has failed to provide any kind of maintenance to them. Further it appears that the aggrieved person has no independent source of income. Respondent no.1 is hereby directed to pay **Rs.8000/-** per month to the towards the maintenance of **aggrieved person** within 10 days of every month from the date of this order i.d. the **aggrieved person** will be at liberty to put the order into execution. The order is effective from the date of filling and Respondent no.1 is directed to pay the entire arrear within 12 months in **equal installment.**

Prayer u/s.22 is allowed exparte.

The respondents are directed to pay **Rs.1000/- each** to the **aggrieved person** as compensation within six months from the date of this order.

Thus the matter is disposed off. Note in Registrar.

Let a copy of the order be given to the petitioner free of cost.

Typed & Printed by me,

(Pratigya Pradhan)
J.M, 3rd Court, Barrackpore

(Pratigya Pradhan)
J.M, 3rd Court, Barrackpore.