

DVC. No. 14/2017

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**In the Court of the III Addl. Judicial Magistrate of First Class, Ongole.****Present: Smt V. Silpa,****III Additional Judicial Magistrate of First Class.**Wednesday this the 15<sup>th</sup> day of February, 2023**D.V.C.NO.14/2017**

Between:

Pamarati Anuradha,  
W/o Sandeep Bhavan,  
aged 35 years,  
R/o Flat No.106,  
Lakshmi Residency,  
2<sup>nd</sup> line, Samatha Nagar,  
Ongole.

.... Aggrieved Person.

And

1.Pamarati Sandeep Bhavan,  
S/o Veerabhadra Rao, aged 35 years,  
R/o.11/968, Aravinda Nagar,  
Ananthapur Town, A.P

2. Pamarati Veerabhadra Rao,  
S/o P.V. Narayana Swamy, aged 60 years,  
R/o.11/968, Aravinda Nagar,  
Ananthapur Town, A.P

3. Pamarati Kumari @ Saila Kumari,  
W/o Veerabhadra Rao, aged 55 years,  
R/o.11/968, Aravinda Nagar,  
Ananthapur Town, A.P

.... Respondents

This case came up for final hearing before me on 23.01.2023 in the presence of **Sri. Inakollu Venkateswaralu**, learned Counsel for the aggrieved person and the respondents 1 to respondent No.3 are party in person and having stood over for consideration till this day, this Court delivered the following:-

**ORDER**

1. The petitioner/aggrieved person preferred a petition/complaint filed against Respondent No.1 to Respondent 3 under section 12 of the Protection of Women from Domestic Violence Act (in brevity "P.W.D.V. Act").

2. The brief averments of the petition/complaint are that the marriage of the petitioner was performed with the respondent No.1 on 06.05.2009 at Tirumala as per Hindu rites and customs. Petitioner submitted

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that their marriage is love marriage and it is an inter caste marriage. Petitioner further submitted that she disclosed about her 1<sup>st</sup> marriage and divorce to the Respondent No.1 and Respondent No.1 agrees to marry her on the pretext that he loves her. The Respondent No.2 and 3 were against to their marriage. She further submitted that the 1<sup>st</sup> respondent persuaded that if any dowry has given, his parents will accept the petitioner as their daughter in law. Petitioner further submitted that at the time of marriage her parents presented Rs.5,00,000/- (Rupees Five Lakhs) worth of gold ornaments towards dowry.

3. Petitioner further submitted that Respondent No.1 was working at Pune as a software engineer. After the marriage family was set up at Pune. Petitioner further submitted that on demand on 1<sup>st</sup> Respondent her parents gave Rs.5,00,000/- (Rupees Five Lakhs only) for purchase of house hold articles to set up family at Pune. Petitioner further submitted that Respondent No.1 took away the gold ornaments from the petitioner and pledged the gold ornaments. She further submitted that the Respondent No.1 used to say that Respondent No.2 and 3 are not convinced about their marriage and they are against Respondent No.1. She further submitted that Respondent No.1 intentionally made her to believe that 2<sup>nd</sup> and 3<sup>rd</sup> Respondents are against to Respondent No.1. She further Submitted that petitioner requested Respondent No.1 to allow her to speak with 2<sup>nd</sup> and 3<sup>rd</sup> Respondents, but the Respondent No.1 refused.

4. Petitioner further submitted that the respondent No.1 got the job in the Tech Mahendra at Hyderabad and then the family was shifted to Hyderabad from Pune in the month of the February, 2010. Petitioner Further Submitted that 1<sup>st</sup> Respondent took a flat at Krishna Nagar, Hyderabad which

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is near to Petitioner brother house. She further submitted that Respondent No.1 did not allow the brother of petitioner to his house. She further submitted that Respondent No.2 and Respondent No.3 started to visit the house of Respondent No.1 and used to instigate Respondent No.1 to dissuade her on one way or the other and stopped the money to the petitioner even for house hold articles. She further submitted Respondent No.1 attend his job only during night shifts and he never maintain intimate relation ship with her.

5. Petitioner further submitted that Respondent No.1 went to London in the year 2011 and he demanded her to give Rs.5,00,000/- saying that amount is required for going to London as the expenses are high in London. She further Submitted that her parents gave Rs.5,00,000/-(Rupees Five Lakhs only) to the Respondent No.1 as the life of the petitioner may settle in well manner if the Respondent No.1 settle in London. But, the Respondent No.1 returned to India with health problem. She further submitted that Respondent No.2 and Respondent No.3 started to humiliate her by alleging that because of marrying her the Respondent No.1 got ailments.

6. She further submitted that respondent **are misers and they trapped** her for money. She further submitted that respondent No.1 stopped paying rents and other maintenance, the parents of the petitioner paid the amount for maintenance of the family including house rent. She further submitted that in the year, 2010 the petitioner parents proposed to purchase a house flat in the name of the Respondent No.1 acted very diligently and expressed that he is in dire need of money and asked to give him the amount whatever the value of the building proposed to purchase and himself

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by taking loan from the bank and he will pay the amount to bank believing the words of the Respondent No.1 the parents of the petitioner processed loan and purchase two flats in Ongole and parents of Petitioner paid all the installments regularly.

7. The petitioner further submitted that respondent No.1 resigned his job in Tech Mahendra in the year, 2013 and left for Bangalore. She further Submitted that respondent No.1 informed that he got job and he is searching for a house and made her to believe the words he made her to stay at Hyderabad. She further submitted that respondent No.1 made her to stay at Hyderabad and took different stand that he is searching for a house and demanded 20 lakhs to purchase house at Bangalore and started to threaten the petitioner and her parents that he will discard the petitioner if they fail to give the said amount. She further submitted that in the month of November due to the pressures of respondent No.1 the petitioner sold the two flats which are in her name and respondent No.1 took the remaining sale consideration amount after clearing the bank loan of the Rs.20,00,000/-. She further submitted that the respondent No.1 after taking the money from the petitioner he changed his address and phone number. She further submitted that respondent No.2 and respondent No.3 refused to give address particulars and demanded the money from her.

8. The petitioner approached the court and filed a complaint against the respondent No.1 to respondent No.3, seeking the following reliefs:

- a) To direct the Respondents from Prohibiting and Committing any domestic Violence by issuing protection order by prohibiting the Respondents attempting to communicate in any forms.
- b) To direct the Respondents to return Rs. 38,00,000/- cash

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together with interest at 24% from date of marriage and gold ornaments worth of Rs. 5,00,000/- belongs to the Petitioner.

- c) To direct respondent No.1 to provide the accommodation or to pay rent of Rs.15,000/- per month.
- d) To direct Respondents to pay Rs.15,000/- Per month to the petitioner's treatment.
- e) To direct the Respondent No.1 to pay monthly maintenance of Rs.20,000/- to the petitioner.
- f) To direct the Respondent No.1 to pay Rs.5,00,000/- towards compensation to the Petitioner.
- e) To grant such other reliefs as this Hon'ble Court deemed fit under the circumstances of the above case.?

9. Basing upon the petition filed by the petitioner this court took cognizance of the case in D.V.C.No.14/2017. Summons were issued to the respondent No.1 to respondent No.3.

10. Pursuant to the receipt of summons, the Respondent No.1 filed counter.

11. The Respondent No.1 denied all the allegation made by the petitioner and further submitted that Petitioner never disclosed her 1<sup>st</sup> marriage and divorce to him before the marriage solemnized between petitioner and him. He further submitted that the marriage is a love marriage and the marriage was performed at "Samooohika Kalyana Vedika" at Tirumala and expense for which were very less. He futher submitted that petitioner started discrimination against Respondent No.2 and 3 in front of Respondent

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No.1 right from the day of marriage. He further submitted that petitioner parents never gave gold ornaments towards dowry worth of Rs.5,00,000/-. He further denied that there was ever any demand for cash from the parents of petitioner towards house hold articles worth of Rs.5,00,000/-. He further submitted that after moving to Hyderabad he admitted that he told Respondent No.1 not visit his flat as brother of petitioner was operating interiors business unofficially out of his rented flat for which brother of petitioner was making monthly rental payment and causing much discomfort and uneasy to him and he further submitted that he had been paying monies through account transfer to petitioner on monthly basis for household expenses. He further Submitted that he London work trip was sponsored by the Company and it was obvious that this was fictitious and venation allegation that parents of the petitioner adjusted the amount. The Respondent further submitted that the Respondent No.1 never had any health problems, after returning to India for Landon. He further submitted that the Respondent No.2 and 3 never ever have spoken with nor met the petitioner in their parents till date.

12. He further submitted that the petitioner never cooperated with him in any aspects of happy marriage and always threatening and demanding monies time to time and also has suicidal tendencies. He further submitted that the petitioner always suspect that he is having an illegal affair with my maid, and with my female colleagues.

13. He further submitted that the petitioner and her family including her parents and her brother forced him to stand surety in their endeavor to buy properties in the town of Ongole and obtain home loan in his name, since his identity and financial documents such as salary pay slips were

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required. He further submitted that the petitioner agreed to pay installments as they were the people resides in the flats.

14. He further submitted that he moved to Bangalore in June 2013, the petitioner never showed any intention or confirmation to come to Bangalore to live a happy and peaceful married life with respondent. He further submitted that he never demanded the petitioner and her parents to give Rs.20,00,000/- (Rupees twenty lakhs only) for purchase of house and started to threaten the petitioner and her parents.

15. He further submitted that he never took away the entire amount of sale consideration after clearing the bank loan amount of Rs.20 lakhs and the various amounts alleged to have taken at various occasion under various false pretexts.

16. During the course of enquiry in the order to substantiate her case, the petitioner got examined herself as P.W.1 and got marked Ex.P1 and P2 on her behalf and she also examined her mother as P.W.2. Respondents did not adduce any evidence on their behalf.

17. Heard Learned counsel for the petitioner and the respondent no.1 having party in person and he also filed written arguments on his behalf. Perused the material on record.

18. Now the points for the determination are:

- 1) Whether there exists domestic relationship between the petitioner and the respondent No.1 to respondent No.3?

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- 2) Whether the petitioner was subjected to domestic violence by the respondent No. 1 to respondent No.3?
- 3) Whether the petitioner is entitled for protection orders against the respondents prohibiting them committing any domestic violence and also prohibiting the respondents to communicate with petitioner in any mode?
- 4) Whether the petitioner is entitled for orders directing the respondents to return Rs. 38,00,000/- cash together with interest at 24% from date of marriage and gold ornaments worth of Rs.5,00,000/- belongs to the Petitioner?
- 5) Whether the petitioner is entitled for the residential orders directing 1<sup>st</sup> respondent to provide alternative accommodation or to pay rent of Rs. 15,000/- per month?
- 6) Whether the petitioner is entitled for monetary relief of Rs.15,000/- per month for petitioner's treatment, monthly maintenance of Rs.20,000/- to the petitioner from the 1<sup>st</sup> respondent?
- 7) Whether the petitioner is entitled for compensation Rs.5,00,000/- from the 1<sup>st</sup> respondent?
- 8) To what relief?

19. In order to substantiate the case of the petitioner, the petitioner got herself examined as P.W.1 and her mother as P.W.2. P.W.1 in her proof affidavit which is accepted on oath as chief examination. The said Chief examination in just replica of the petition she stated that respondent No.1 married her at Tirumala on 06.05.2009 and it is an inter caste marriage. The 2<sup>nd</sup> and 3<sup>rd</sup> Respondents are against their marriage she further deposed that after marriage respondent no.1 demanded her and her parents to give Rs.5,00,000/- for purchase of house hold articles to set up a family at Pune.

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She further deposed after shifting to Hyderabad respondent instigation of respondent No.2 and respondent No.3 stopped paying house hold allowances. She further deposed that respondent No.1 went to London and demanded her to give Rs.5,00,000/- for expenses. She further deposed after the respondent went to Bangalore he stopped maintaining petitioner and demanded Rs.20,00,000/- to purchase house at Bangalore.

20. In her cross examination she deposed that she disclosed about her 1<sup>st</sup> marriage and about her divorce prior to marrying respondent No.1. She further deposed that she came to know that respondent had a habit of drinking and smoking prior to marriage. She further deposed that respondent No.1 friends attended to the marriage. She further deposed that after the marriage, the respondent No.1 abused her in a filthy language and beat her in a private parts.

21. She further deposed that 1<sup>st</sup> respondent has a skin disease and he is diabetic Patient. She further deposed that after marriage they went to Pune for job purpose at that time 1<sup>st</sup> Respondent harassed her and beat her. She further deposed that she left the job after coming to Hyderabad. She further deposed that her parents gave Rs.5,00,000/- to purchase house hold articles. She further deposed that first Respondent never look after her after marriage and did not maintain her, he only pays the rent. She further deposed respondent 2 and respondent 3 visited to her house in Hyderabad only 5 or 6 times. She further deposed that she never went to 2<sup>nd</sup> and 3<sup>rd</sup> respondent house which is at Ananthapur.

22. She further deposed that respondent No.1 went to Bangalore for job purposes and he use to send money for house rent and family

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necessities. She further deposed that respondent No.1 informed her that he want to purchase house at Bangalore and asked money from my parents and her parents gave Rs.10,00,000/- to respondent No.1. She further deposed that she has no documents to prove about the presentation of amount to respondent on various occasions.

23. In support of her case, the petitioner got examined her mother namely K. Vijayalakshmi as P.W.2. P.W.2 in her affidavit filed in lieu of Chief examination reiterated the contents of affidavit of P.W.1 filed in lieu of Chief examination.

24. During her cross examination she deposed that they informed about her daughter 1<sup>st</sup> marriage to the 1<sup>st</sup> Respondent. She further deposed that after marriage 1<sup>st</sup> respondent went to Pune. She further deposed that 1<sup>st</sup> Respondent pledged the gold ornaments of petitioner without intimating her. She further deposed that she did not met 2<sup>nd</sup> and 3<sup>rd</sup> Respondents. She further deposed that Petitioner purchased two flats by obtaining loan in the SBI Branch. She further deposed that they gave Rs.5,00,000/- to 1<sup>st</sup> respondent when he is going to London.

25. The learned counsel for the petitioner during the course of arguments submitted that the case petitioner is not in dispute as the respondent did not object the relationship. He further submitted that as per the evidence of P.W.1 and P.W.2 the petitioner able to establish that she was subjected to domestic violence in the hands of the respondents. He further submitted that as per their evidence it is established that the 1<sup>st</sup> respondent took away the remaining sale consideration. He further submitted that the respondents did not even adduce any evidence to rebut the evidence of the petitioner and prayed to grant the reliefs sought by the petitioner.

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26. Per contra, the 1<sup>st</sup> respondent party in person submitted that as per the evidence of P.W.1 and P.W.2, the petitioner could not able to establish any mode of domestic violence in the hands of respondents. He further submitted that the petitioner could able to prove that she lived under share house hold along 2<sup>nd</sup> and 3<sup>rd</sup> respondent at any point of time.

27. The 1<sup>st</sup> respondent further submitted there is no domestic relation in between the petitioner and the respondents as the date of divorce of 1<sup>st</sup> marriage of the petitioner kept blank. He further submitted that the petitioner herself not sure when her 1<sup>st</sup> marriage is dissolved by way of divorce. He further submitted that during the cross examination the petitioner herself admitted that her parents themselves purchased the household articles but not as demanded by him.

28. He further submitted the petitioner herself admitted that she has no evidence to show that her parents presented dowry, he took away the balance sale consideration derived from selling of flats by the petitioner. He further submitted that the petitioner did not file any document to show that she subjected to physical abuse in his hands.

29. He further submitted there is no necessity for him to adduce evidence as the petitioner herself admitted that she was never subjected to domestic violence in his hands and in the hands of his parents and prayed to dismiss the petition as the petitioner is not entitle for any reliefs under this act.

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In order to prove his contention the first respondent submitted the following citations:

1. Bharti Anand Vs Sushant Anand and Others dated 26<sup>th</sup> April 2022 in [CRL.M.C. 1817/2021], decided by the Hon'ble High Court of Delhi.
2. Reema Aggarwal Vs Anupam And Others dated 14<sup>th</sup> November, 2013 in [CRR-2424- 2002], decided by the Hon'ble High Court of Punjab and Haryana at Chandigarh.
3. Rule 2, 3 and 4 of Dowry Prohibition (Maintenance of Lists of Presents to the Bride and Bridegroom) Rules, 1985.
4. Dalip Singh Vs State of U.P. and others dated on 3<sup>rd</sup> December 2009, in Civil Appeal No. 5239 of 2002 decided by the Hon'ble Supreme Court of India.

30. In order to be entitled to the reliefs provided under the D.V.C. Act, the petitioner has to prove that she was subjected to domestic violence while she was in domestic relation with the respondents in a shared house hold. If the petitioner is successful in establishing that she was subjected to any act of domestic violence as stated in section 3 of the Act noted above by any of the respondents, she is entitled for the reliefs provided under the Act.

**Point No.1:**

31. As per the evidence of P.W1, respondent No.1 is her husband and they lived together at the residence of respondent No.1 as husband and wife. The same is not disputed by the respondent No.1. Thus the evidence of PW1 stands undisputed. Thus as per the evidence of P.W1 it is established that there exists domestic relation in between the petitioner and the respondents. This point is answered accordingly.

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**Point No.2:**

32. Mere proof of domestic relationship between the parties would not be sufficient to be entitled to the reliefs sought for in the petition. The petitioner has to prove that the petitioner has been subjected to domestic violence as defined under section 3 of the P.W.D.V. Act by the respondents.

33. As admitted by the petitioner, as she never lived with the respondent no.2 and respondent No.3 at Ananthapur and there is no specific allegations of domestic violence against them. Hence it cannot be said that the petitioner is subjected to domestic violence in the hands of 2<sup>nd</sup> and 3<sup>rd</sup> respondents.

34. However the petitioner categorically deposed against the 1<sup>st</sup> respondent never provided basic necessities and the 1<sup>st</sup> respondent did not take her to Banglore along with him but constrained her to live with her parents.

35. However, failing to provide minimum necessities to the petitioner by the respondent No.1 itself an act of Domestic violence. This would amount to causing mental agony to the petitioner as defined under section 3 (d) of the P.W.D.V. Act. It amounts to domestic violence on the part of the respondent No.1. However, the respondents No.2 and 3 cannot be said to have committed any act of domestic violence. The point is answered accordingly.

**Point No.3:**

36. It is an undisputed fact that the petitioner is presently residing at her parents house, Ongole and the respondent no.1 is residing separately from 2015 to till date.

37. It is not the case of the petitioner that the respondent trying to communicate with her against her will and also subjecting her to domestic violence at her parents house. Hence she is not entitled for protection orders . This point is answered accordingly.

**Point no.4:**

38. Even though the petitioner alleged that her parents presented dowry in cash, gold ornaments worth of Rs.5,00,000/- and also paid cash in different occasions and the 1<sup>st</sup> respondent took away remaining balance sale consideration out of clearing the bank loans derived from selling the two flats stands in the name of the petitioner.

39. Except the oral evidence of the petitioner there is no document evidence by the petitioner to suffice her allegations. It is not the case of the petitioner that the 1<sup>st</sup> respondent is in custody of her gold ornaments even though she alleged that the 1<sup>st</sup> respondent pledged her gold ornaments but no evidence is adduced to prove the same.

40. As the petitioner did not able to prove that the 1<sup>st</sup> respondent is in possession of Rs.38,00,000/- and also her gold ornaments worth of Rs.5,00,000/- by producing cogent and reliable evidence. Hence she is not entitle for the return Rs.38,00,000/- cash together with interest at 24% from date of marriage and gold ornaments worth of Rs.5,00,000/- belongs to the Petitioner from the 1<sup>st</sup> respondent. This point is answered accordingly.

**Point no.5 and Point no.6:**

41. As these points are inter-related and inter-twined with each other, this court is of opinion that the both points has to be dealt together in order to avoid repetition of facts and reiteration of evidence.

42. It is an undisputed fact that the petitioner is residing at her parental home and she is a destitute. The petitioner herself admitted that she worked previously and she earned income. It is not the case of the petitioner she is not able to get income as she is unable to work due to the harassmt of the 1<sup>st</sup> respondent.

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43. However as per the evidence of the petitioner it is established that as the 1<sup>st</sup> respondent did not take her to Bangalore but left her at Hyderabad and then at Ongole, for the said act of separation of 1<sup>st</sup> respondent she left her job and the 1<sup>st</sup> respondent did not provide maintenance while she lost her job and staying with her parents which amounts to economic abuse.

44. The petitioner is educated person and she can get a job to maintain herself as such she is not entitled for the relief of medical expenses of Rs.15,000/-, monthly maintenance of Rs.20,000/- as claimed for. These points are answered accordingly.

**Point no.7:**

45. However as the petitioner able to establish that she was subjected to economic abuse in the hands of 1<sup>st</sup> respondent as she lost her job during the stay of 1<sup>st</sup> respondent at Bangalore which effects her working experience which results in loss of her hike of salary and the mental agony suffered by her during the said separation and for non providing maintenance by 1<sup>st</sup> respondent for the said period and hence she is entitle for Rs.5,00,000/- as compensation for the said economic abuse and emotional distress which is one of the form of domestic violence subjected by the petitioner in the hands of 1<sup>st</sup> respondent. This point is answered accordingly.

**Point no.8:**

46. In view of foregoing discussion in point no.1 to point no.7, as the petitioner is able to establish that she was subjected to domestic violence by way of economic abuse and mental agony in the hands of respondent No.1 as she left the job and suffered a lot after resigning the job and stayed with the respondent no.1 after marrying him in such a case she is entitled for the compensation of Rs.5,00,000/- for emotional distress, caused by the acts of domestic violence committed by that respondent no.1 under section 22 of the Act. The citation which was filed by the respondent can not applicable to the present case.

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47. In the result, the petition is partly allowed and the respondent No.1 is directed to pay a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) as compensation to the petitioner under section 22 of the Act with in 3 months from the date of this order. The petitioner is also entitled to a sum of Rs.10,000/- (Rupees Ten Thousand Only) towards costs of the petition.

Directly typed to my dictation , corrected and pronounced by me on this the 15<sup>th</sup> day of February, 2023.

**SD/- V.SILPA**  
**III Addl. Judicial Magistrate of First Class,**  
**Ongole.**

**APPENDIX OF EVIDENCE**  
**LIST OF WITNESSES EXAMINED**

**For Petitioner:**

P.W1:Pamarti Anuradha  
P.W.2:Kovi Vijaya Lakshmi

**For Respondent:**

NIL

**EXHIBITS MARKED**  
**On behalf of Petitioner:**

Ex.P.1: Wedding Invitation card

Ex.P.2: Photographs (Ex.P2 is marked subject to proof and relevancy)

**On behalf of the Respondent:**

NIL

**SD/- V.SILPA**  
**III Addl. Judicial Magistrate of First Class,**  
**Ongole.**

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