

**IN THE COURT OF THE II ADDL. JUDICIAL MAGISTRATE OF I CLASS,
ONGOLE.**

Present: Smt.N.Sarada,
II Addl. Judl. Magistrate of First Class, Ongole.

Wednesday, this the 20th day of December, 2017

D.V.C.No.01/2016.

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| <p>1. Challa Bhanumathi W/o VenkataSwamy,
Aged about 63 years, Hindu, Housewife,
Resident of fourth lane, 1st cross road,
Bhagyanagar, Ongole</p> | <p>.. Petitioner.</p> |
| <p>Vs.</p> | |
| <p>1. Challa Jagadeesh Kumar Babu S/o late Venkatawamy
Aged about 42 years, Hindu, Mechanic,
new class IV Employees Union office,
first Cross road, 4th lane, Bhagyanagar, Ongole</p> <p>2. Challa Sarojini W/o Jagadish Kumar Babu
Aged about 38 years, Hindu, House wife,
near Class IV employees Union Office,
First cross Road, 4th lane, Bhagyanagar, Ongole
Prakasam District.</p> | <p>... Respondents</p> |

This petition is coming on 12-12-2017 for hearing before me in the presence of Sri.M.Sridhar, Advocate for Petitioner and of Sri.Challa Raja Dhana Varma, Advocate for Respondents upon perusing the oral evidence on record and upon perusing the arguments on both sides and having stood over for consideration till this day, this Court made the following:-

// O R D E R //

1. This application is filed by the petitioner, Challa Bhanumathi (aggrieved person) U/Sec.12 of Domestic Violence Act, 2005, against the respondents and to pass protection order in-favour of petitioner; provide maintenance to the petitioner including the residence, clothes, and for medical expenses to a tune of Rs.10,000/- per month; and to pass such other and further reliefs in the interest of justice.

2. The case of the petitioner in brief is as follows:-

Petitioner married one Challa Venkataswamy in the year 1967 at Ongole. At that time he does not possess any ancestral properties. After marriage her husband began learning work at her parents house. During their wedlock petitioner blessed with two daughters and one son who is the respondent in this case. They performed their children

marriages. Petitioner husband who is the father of the 1st respondent, acquired properties and constructed building consists of ground floor, two portions, 1st floor and 2nd floor. Further he submits from the beginning while she was living in the respondent after the death of her husband. The respondents have been look after her recently the respondent developed grudge, against the petitioner and neglected her and harassing her physically and mentally. In the absence of the 1st respondent; 2nd respondent insisting her to execute the document in their favour in respect of the property or otherwise encouraged to commit suicide. Her grand children also threaten the petitioner the petitioner is aged about 70 years; and she is suffering with health problems, she requires treatment regularly due to ill health. She has no possession to live separately. In spite of severe harassment of the respondents and their children she continued live with the respondents by maintaining silence. In the year of 2003 the respondent necked out the petitioner they have no other go her daughters haven been look after her welfare. The respondent neglected to maintain and failed to provide water and food. Further he submits that the 1st respondent is maintaining the foundry belonging to her husband and deriving huge amount Rs.30,000/- per month. At present she has been suffering for food and shelter and unable to maintain ill health she requires minimum amount of Rs.10,000/- per month towards food, shelter and medical expenses. The respondent have got sufficient means to maintain her though the respondent have sufficient means to maintain her refused to maintain and left her.

3. Notice served to the respondents in spite of several adjournments. The respondent did not filed any counter in spite of given conditional order. Hence, Counter treated as NIL and posted the matter for enquiry.

4. To prove the contentions of the petitioners, the petitioner herself examined as P.w.1 and no documents are marked on behalf of the petitioner. No one was examined on behalf of respondents.

5. Heard arguments.

6. Now the point that is to be determined by the court are :-
Whether the petitioner is entitled for the reliefs as prayed for ?

7. P.W1 in his evidence deposed that the respondent is her son, while she was residing with them. The respondents harassed her mentally and physically in the absence of the 1st respondent; 2nd respondent insisting her to execute the documents in their favour regarding to the properties. Further she deposed that she is suffering from health problems she requires maintenance. The respondent refused to maintain to her. The respondent failed to provide minimum things to the petitioner and she is aged about 70 years and she is submitting the respondent is maintaining foundry belonging to her husband and deriving the income of Rs.30,000/- per month and she does not have any employee or movable properties. Now she is required minimum amount of Rs.10,000/- per month towards food and shelter and medical expenses.

8. The petitioner did not filed any document to show that the respondent earning an amount of Rs.30,000/- per month from foundry business. Even though she did not filed any document before this court, the respondent who is the son of the petitioner it is the bounden duty of the 1st respondent to maintain his mother. The respondent have sufficient means to maintain the petitioner and he is the provide food and threaten the petitioner towards maintenance.

9. In the result, the petition is partly allowed. The respondent is hereby granted an amount of Rs.4,500/- per month as maintenance including residence clothes and medical expenses to the petitioner. The maintenance shall have to be paid by the respondent from the date of this petition. The respondent is further directed to pay the maintenance amount to the petitioner on or before 5th of every succeeding month. The same shall be payable to the petitioner directly or to deposit the same in any Nationalized Bank account of the petitioner or by depositing the same in the court so as to enable the same to be given to the petitioner and the respondent is further directed not to commit any Domestic Violence Act towards the petitioner and accordingly protection order is granted. The rest of the claim is dismissed.

Dictated to the personal Assistant, transcribed by her, corrected and pronounced by me in Open Court, this the 20th day of December, 2017.

Sd/-N.Sarada
II Addl. Judl. Magistrate of I Class
Ongole.

// APPENDIX OF EVIDENCE //
-: WITNESSES EXAMINED:-

For Petitioner :
P.w.1 : Challa Bhanumathi

For Respondents :
-NIL-

DOCUMENTS MARKED ON BEHALF OF PETITIONER.
-NIL-

DOCUMENTS MARKED ON BEHALF OF RESPONDENTS.
-NIL-

Ild/-N.S
II-AMM.
Ongole

// True copy //

II-Addl.Judl. Magistrate of I-Class
Ongole

