

**IN THE COURT OF THE SPECIAL JUDICIAL MAGISTRATE OF FIRST CLASS
FOR TRIAL OF PROHIBITION. & EXCISE OFFENCES:: NELLORE**

Present:- **Sri Shaik Mohammad Abutalib Parveez**

Special Judicial Magistrate of First Class for

Trial of Prohibition. & Excise Offences:: Nellore.

Wednesday, this the 30th day of August, 2017

DVC No.58 of 2016

Gali Lakshmi,W/o. Venkaiah, aged about 46 years, R/o D.No.25-2-306, 9 th street,Podalakur road, Lake view colony,Nellore city. SPSR Nellore District	Aggrieved person
Vs	
Gali Venkaiah, S/o Masthanaiah, aged about 52 years,Working as RTC Driver ,(squad jeep driver),With staff No.516684, BHL Depot Area,Hyderabad.	Respondent

This case coming on this day before me for hearing in the absence of Sri.R. Roja Reddy, Advocate for the Aggrieved person and the respondent having been called absent and set exparte, and having stood over for consideration till this day, this court made the following:-

: O R D E R:

1. The aggrieved person filed the present proceedings against the respondent, praying the Court to direct the respondent to pay an amount of Rs.10,000/- p.m to the aggrieved person towards maintenance, to pay an amount of Rs.1 lakh towards compensation to mental agony suffered by her,on account acts of desertion by the respondent and to grant such other reliefs.

2. ***Brief facts of the petition are that*** the marriage of aggrieved person with the respondent was took place about 28 years ago at the house of her parents at Usma Saheb Peta, Nellore town as per the Hindu custom as per the wishes of one and all. During their wed lock, they were two daughters i.,e Sureka, aged about 27 years(married) and Manasa aged about 23 years (married). In the year 2005, the respondent got job in APSRTC as driver wherein he worked at Kavali, Sullurpet, Nellore and to Hyderabad. On 28-08-2010 marriage of 1st daughter by name Surekha was performed and marriage of 2nd daughter by name Manasa was performed on 02-07-2013. Since Feb, 2016 the respondent settled at Hyderabad and not visiting house and neglected the Aggrieved person and aged

mother of the respondent and not provide maintenance to the Aggrieved person. The aggrieved person was borrowed amounts for the day to day needs of maintenance, as she has no properties, income and source of income. The respondent is working as APSRTC driver and drawing a salary of Rs.30,000/- p.m. The aggrieved person questioned the behavior of respondent, he replied that he is residing with a lady at Hyderabad and that he was not intending to come back to house. Hence, the petition.

3. The respondent received notice personally, he failed to appear before the Court on the day of adjournment i.e on 23-01-2017 there was no representation for the respondent. Hence, he was set exparte on 23-01-2017.

4. The aggrieved person has examined herself as PW1 and got marked Ex.P1 to P8 documents.

5. Heard the counsel for the aggrieved person.

6. Now the point for determination is:

Whether the Aggrieved person is entitled to got relief's from the respondent as prayed in the petition ?

7. In support of her claim, the aggrieved person got examined herself as PW1. The aggrieved person filed her chief examination affidavit by reiterating almost all the contents of her application. Since the respondent remained exparte, the unrebutted and unchallenged evidence of PW1 coupled with Ex.P1 to Ex.P7 proves the relationship of aggrieved person with the respondent . Her chief examination remained unchallenged. The evidence of PW1 coupled with Ex.P1 to P7 i.e marriage photos in two, marriage photo of first daughter of aggrieved person and respondent, marriage photo of second daughter of aggrieved persona and respondent, Notarized attested copy of Rajiv Arogya Sri card, Notarized attested copy of House hold card, Notarized attested copy of Election Identity card of respondent, Adhar card of aggrieved person and pay slip of respondent for the month of May,2014, proves the case of aggrieved person. Hence, this petition is allowed .

8. In the result, this petition is partly allowed without costs by granting maintenance of Rs.10,000/- per month to the aggrieved person from the date of the petition i.e. from 14.09.2016. The Respondent are directed to pay the arrears of maintenance amount in 6 monthly equal installments commencing from September, 2017. The Respondents are directed to pay the

maintenance amounts to the the aggrieved person regularly on or before 10th day of every calendar month.

Typed to my dictation, corrected and pronounced by me in the open court this the 30th day of August, 2017.

**Spl. Judl. Magistrate of I Class for trial
of Prohn. & Excise Offences, Nellore.**

Appendix of Evidence
Witnesses examined

For Aggrieved person.

For respondent

Pw1: Gali Lakshmi.

None

Documents Marked.

For Aggrieved person.

For respondents NIL

Ex.P1:Marriage photos in two.

Ex.P2: Marriage photo of the first daughter of aggrieved person and Respondent.

Ex.P3: Marriage photo of the second daughter of aggrieved person and respondent.

Ex.P4: Notarized attested copy of Rajiv Arogya Sri card.

Ex.P5: Notarized attested copy of House Hold card.

Ex.P6: Notarized attested copy of Election identity card of respondent.

Ex.P7: Adhar Card of Aggrieved person.

Ex.P8: Pay slip of respondent in the month of May, 2014.

Material objects Marked : NIL

SPL.JMFC