

**IN THE COURT OF III ADDITIONAL JUDICIAL MAGISTRATE OF I CLASS :::
ONGOLE**

PRESENT : SMT. M.ANURADHA,
III ADDL. JUDL. MAGISTRATE OF I CLASS, ONGOLE.

Thursday, the 28th day of December, 2017.

DOMESTIC VIOLENCE CASE NO.8/2017

BETWEEN :

Nagisetty Madhavi, W/o.Anil Kumar, aged 27 years, Hindu,
house wife, Balaji Nagar, Ongole, Prakasam District.

... PETITIONER

A N D

Nagisetty Anil Kumar, S/o.Babu Rao, aged 36 years,
Painter, Banthulavanikunta, Balaji Nagar, Ongole,
Prakasam District.

... RESPONDENT

This petition coming on 22-12-2017 for final hearing before me in the presence of *Sri Y.Ramesh, Advocate for Petitioner* and of *Respondent having remained exparte*, and upon perusing the material available on record, and upon hearing the arguments and having stood over for consideration, till this day this Court delivered the following :

O R D E R

1. This petition is filed U/Sec.12 of the Protection of Women from Domestic Violence Act, 2005 (herein after referred as DVC ACT for brevity) by the petitioner against the respondent seeking protection order prohibiting the respondent from committing domestic violence against the petitioner, residential accommodation to the petitioner and her daughter and monthly maintenance of Rs.5,000/- each to the petitioner and her daughter.

2. Brief averments of the petition are as follows :

The marriage of the petitioner and the respondent was solemnized on 10-05-2009 as per Hindu religious rites and custom at Singarayakonda Anjaneya Swamy Temple. After the marriage the petitioner joined with the respondent to lead marital life and they led marital life for happily for two years and out of the wed-lock they blessed with one female child on 16-09-2012. The petitioner alleges that after the birth of female child the respondent addicted to all sorts of bad vices and used to harass the petitioner both mentally and physically by suspecting her character and used to beat her and totally neglected the petitioner and her daughter. The

petitioner further alleges that on one day the respondent beat her with a stick on head and on that she was admitted in RIMS Hospital, Ongole and gave report to Ongole I Town P.S. against the respondent and it was ended in compromise and on that the petitioner joined with the respondent and led marital life for about two months and subsequently the respondent continued his harassment against the petitioner. The petitioner alleges that on 05-2-2016 the respondent beat her indiscriminately and necked her and her daughter out from the matrimonial home and since the petitioner and the respondent have been living separately. Hence, the petitioner is seeking protection order U/Sec.18, residential accommodation U/Sec.19, Rs.5,000/- each to the petitioner and her daughter towards maintenance U/Sec.20 of Protection of Women from Domestic Violence Act, 2005.

3. Respondent was set exparte.

4. During the course of enquiry, the petitioner herself examined as PW1 and Ex.P1 was marked on her behalf.

5. Heard the learned counsel for the petitioner.

6. Now, the points for consideration are :

- 1. Whether the petitioners are entitled for the reliefs as prayed for for ?**
- 2. To what relief ?**

7. **POINT NO.1 :**

Whether the petitioners are entitled for the reliefs as prayed for for ?

The petitioner is examined as PW1. PW1 reiterated the contents of the petitioner in her chief examination affidavit. PW1 testifies that she is the legally wedded wife of the respondent and the respondent subjected her to physical and mental harassment during the marital life with the respondent. PW1 further testifies that the respondent used to suspect her character and used to beat her and her minor daughter. PW1 testifies that she also filed a case in Crime No.38/2017 for the offences U/Sec.498-A and 323 of I.P.C.

against the respondent as he beat her on 05-12-2016 and necked her along with her minor daughter from the matrimonial home. Ex.P1 is the certified copy of F.I.R. in Crime Ho.38/2017 of Ongole I Town P.S. Ex.P1/report supports the version of PW1 about the commission domestic violence against PW1. PW1 further testifies that her daughter now aged four years and studying U.K.G. and that she has no means to maintain herself and her daughter. Hence, she filed this petition seeking protection order, provision of accommodation and maintenance to her and her daughter.

8. The evidence of PW1 is remained unchallenged. The contents of the petition and the testimony of PW1 disclose that the respondent caused acts of domestic violence against the petitioner. Thus, the petitioner is certainly entitled for the relief of protection order U/Sec.18 of the Act and the respondent is restrained from causing any acts of the domestic violence against the petitioner. The petitioner also claims rental accommodation. Considering the facts and circumstances of the status of the parties, the petition is allowed partly, directing the respondent to pay Rs.1,000/- per month towards rental accommodation. The respondent is directed to pay Rs.2,000/- per month each to the petitioner and her daughter towards maintenance.

9. **POINT NO.2 :**

To what relief ?

In the result petition is allowed in part, restraining the respondent from causing any acts under domestic violence against the petitioner. The respondent is directed to pay Rs.1,000/- per month to the petitioner towards rental accommodation from the date of this order and also directed to pay Rs.2,000/- per month each to the petitioner and her daughter towards maintenance from the date of this order. The respondent is directed to pay the respective maintenance amount of the daughter of the petitioner till the date of her getting marriage. The

respondent is further directed to pay the respective maintenance amounts on or before 10th date of every succeeding month.

Dictated to the Stenographer of this court, transcribed by him, corrected and pronounced by me in open court, this the 28th day of December, 2017.

**III ADDL. JUDL. MAGISTRATE
OF I CLASS, ONGOLE.**

// Appendix of evidence //
Witnesses examined

For Petitioner :

PW1 : Nagiseti Madhavi.

For Respondent :

-Ex parte-

Documents marked

For Petitioner :

Ex.P1 - Certified copy of F.I.R. in Cr. No.38/2017
of Ongole I Town P.S.

For Respondent :

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III A.J.M.F.C.