

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

**Present: Sri J. Sravan Kumar**

III Addl. Judl. Magistrate of First Class, Ongole

Thursday, the Seventh (7<sup>th</sup>) Day of January, 2016

**D.V.C.No.9/2014**

Between:

Chembeti Srilakshmi, W/o. Sreenu, aged 22 years,  
C/o. T. Seshagiri Rao, Mangamur road, Ongole

... **Petitioner**

**And**

1. Chembeti Sreenu, S/o. Venkateswarlu, aged 30 years,  
Vaddera by caste, Real Estate Business, resident of  
near Santhapeta Saibaba temple, Ongole
2. Chembeti Venkateswarlu, S/o. Veeraiah, aged 60 years,
3. Chembeti Kondamma, W/o. Venkateswarlu,  
aged 50 years,
4. Thanneeru Sailaja, W/o. Kondalu, aged 21 years,

Respondents 2 to 4 are residents of D.No.36/1,  
Bandlaguda, Anandanagar, Road No.2,  
Hyderabad

... **Respondents**

The petition coming on 23-12-2015 before me for final hearing in the presence of Smt. N. Vasundara, Advocate for the Petitioner and of Sri M.V.V.S. Venugopal, Advocate for the Respondents, upon hearing the arguments and having stood over for consideration till this day, this Court delivered the following:

**// ORDER //**

1. This is a complaint filed by the complainant through protection officer U/s.12 of DVC Act, 2005, against the respondents 1 to 4 to pass reliefs u/s.18, 19, 20 and 22 in her favour.

2. The brief facts of the petition are as follows:

Respondent No.1 is husband of the complainant, Respondents 2 and 3 are parents of Respondent No.1. Respondent No.4 is sister of Respondent No.1.

The petitioner is legally wedded wife of 1<sup>st</sup> Respondent. The petitioner's marriage was performed with the 1<sup>st</sup> respondent about 8 years

back. The petitioner alleged that she presented cash of Rs.5,00,000/- and 8 tulas of gold towards dowry at the time of marriage. After marriage the petitioner joined in the matrimonial home with R1/husband. During their wedlock, she gave birth to two female children. After that the respondent attitude was drastically changed and started demanded the petitioner for additional dowry. On demand of respondents, the petitioner parents had arranged Rs.2,00,000/- on one occasion. In spite of that the respondent attitude was never changed and started harassing as she gave birth to two female children. The petitioner further alleged that, the 1<sup>st</sup> Respondent developed an illegal intimacy with one lady by name Aruna resident of Hyderabad and refused to provide even food for her and used to beat without any cause. She was finally necked out from the house.

3. The petitioner submitted that, the Respondent is a builder and possessed landed properties at Palukuru village to an extent of Ac.8-00 cents. In addition to that, the 1<sup>st</sup> Respondent is also having two houses i.e. one at Palukur and another house at Hyderabad. Finally, she prays the court that, she is not attending any work as she is an illiterate, as such she has no means and capacity to maintain herself and her children. Hence, she prayed to return the entire dowry amount, gold, household articles and additional dowry of Rs.2,00,000/- which is given to the respondents during her stay with her husband. She also prayed the court to pass residential orders in her favour and grant injunction order restraining the respondents from interfering into any portion, where she resides and also seek monthly maintenance of Rs.15,000/-.

4. On the other hand, the 1<sup>st</sup> respondent filed detailed counter and the same was adopted by respondents 2 to 4. All the respondents denied allegations of the petitioner.

5. Respondent contended in their counter that, since inception of marriage, the petitioner was not showing any interest in leading marital life with the 1<sup>st</sup> Respondent and that the petitioner and her parents have been pressing the 1<sup>st</sup> respondent to settle his property in favour of the petitioner, for which the respondents refused. Then the parents of the petitioner got filed a case through the petitioner against the respondents.

6. In addition to that the petitioner also filed two private complaints before Kandukur police and before Hon'ble J.F.C.M. Court, Kandukur against the respondents, which were registered as Cr.Nos.36/2010 and 78/2010. Later he was entered into compromise with the petitioner and, his father i.e 2<sup>nd</sup> respondent was executed registered settlement deed dt.01-02-2010, conveyed Ac.3-00 of dry land in favour of the petitioner and her two minor children.

7. Having not satisfied with the above property, the petitioner filed a suit through her minor children in O.S.No.149/2010 on the file of Hon'ble V Addl. District Judge, Ongole for partition of some properties belong to the respondent. Later the suit was decreed and partition was affected, on which the respondents filed petition to set aside the ex-parte decree. Hence, he prayed the court that the incidents had happened itself shows the attitude of the petitioner, how the 1<sup>st</sup> respondent was being harassed by the petitioner.

8. The respondents further submitted that, the petitioner and her mother came along with the active support of her relatives, beat the 1<sup>st</sup> respondent with chappals in front of his house and the episode was witnesses by all electronic media like Gemini T.V. reporter and the same was video graphed.

9. Having vexed with the attitude of the petitioner, the 1<sup>st</sup> respondent filed H.M.O.P.32/2011 on the file Hon'ble Family Court, Ongole for dissolution of marriage by way of divorce and the same was pending.

10. Hence, he submitted to the court that, there are no merits and reality in the case and the case was filed with a view to harass the respondents, hence sought for dismissal of the petition.

11. The complaint was routed through Protection Officer. As seen the complaint, it is evident that both the complainant and the respondents were underwent for counseling for two times, but no fruitful outcome. Accordingly, a report was enclosed by the Protection Officer. Subsequently, this complaint is filed by the Protection Officer. The complaint is taken on file and notices issued to R1 to R4 through protection officer.

12. To support the version of the petitioner, she herself examined as PW.1 and one Tanneeru Kondamma was examined as PW-2. No documents are marked on her behalf. On behalf of the Respondents, the 1<sup>st</sup> Respondent got himself examined as RW-1 and no documents are marked on his behalf.

13. Basing on the rival contentions, this court framed the following points for consideration :

1. Whether the petitioner is the legally wedded wife of the 1<sup>st</sup> Respondent?
2. Whether the petitioner is entitled for residence orders?
3. Whether the petitioner is entitled for the maintenance?
4. To what relief?

14. As far as first point is concerned, ***whether the petitioner is the legally wedded wife of the 1<sup>st</sup> Respondent?***

There is no dispute that the petitioner is the legally wedded wife of the 1<sup>st</sup> Respondent. The Respondents also categorically admitted in their

counter that the petitioner is the legally wedded wife of the 1<sup>st</sup> respondent and his children are his legitimate children. Hence, no discussion need to answer the said point.

15. As far as second point is concerned, ***whether the petitioner is entitled for residence orders ?***

Pw1 did not provide any information regarding the houses possessed by the respondent. She simply pleaded that the respondent possessed landed properties and houses at various places. But to prove her contention no piece of document filed. In other side, the respondent contended that, R2 had registered sale deed in favor of the children of petitioner and Ac.3.00 cents of land was transferred to them. In view of the above circumstances this court feels that the petitioner did not file any believable document to show that the respondents possessed houses. In absence of any details this court can not pass any residential orders. Hence, this issue is answered in favor of respondents.

16. As far as third point is concerned, ***whether the petitioner is entitled for the maintenance?***

The petitioner claimed an amount of Rs.10,000/- for her and Rs.5,000/- towards educational expenses of her children. She herself examined as PW-1 to support her contention. One Thanneeru Kondamma was examined on behalf of the petitioner. On behalf of the Respondents, the 1<sup>st</sup> respondent himself examined as RW-1.

17. PW-1 categorically stated in her evidence that, at the time of marriage, she gave an amount of Rs.5,00,000/- and 8 tulas of gold to the respondents. After some time, both the 1<sup>st</sup> Respondent and herself were lead happy life. After giving birth to two female children, R1 to R3 demanded to get more dowry from her house. Basing on their illegal

demand, her parents arranged an amount of Rs.2,00,000/-. In spite of providing the said amount, the Respondents attitude was not changed and they started harassing the petitioner. She categorically alleged that the Respondent maintaining extra marital relationship with one lady by name Aruna resident of Hyderabad and he did not provide even food and necked her out from the house.

18. Hence, she unable to bear the harassment of the Respondents came to her parents house and used to reside with them. Now she is unable to maintain herself and she is having small children. Hence, she constrained to file the said DVC for maintenance of Rs.15,000/- and return of entire dowry amount of Rs.5,00,000/-, 8 tulas of gold and household articles which alleged to have been given at the time of marriage.

19. As seen the evidence on record, PW-1 did not adduce any evidence to show that her parents had given dowry of Rs.5,00,000/-, 8 tulas of gold and also household articles to the Respondents at the time of her marriage. Except PW-1 evidence, no other witness stated that the Respondents received the dowry amount. Further more, as observed by the **Hon'ble High Court of Andhra Pradesh in Thammineni Bhaskar Rao V/s State of A.P reported in 2007(1) ALT (Crl.) 434 at Paragraph 31 observed** that Rule 10 of Andhra Pradesh Dowry Prohibition Rules 1998 provides that any offence U/sec. 3 and 4 shall be filed before expiry of one year. In respect of Secs. 3 & 4 of Dowry Prohibition Act, the same applies to this case since in this case also the same allegations leveled against the respondents.

In the present case, the marriage of P.W1 and the 1<sup>st</sup> respondent took place 8 years prior to date of filing of this petition. Hence, the allegations with regard to the dowry cannot be considered. Therefore the petitioner is

not entitled for return of any such dowry amount or any other reliefs. Hence, this court feels that dowry amount can't be ordered to return.

20. Rw1 categorically stated before this court that he never harassed the petitioner and her daughters in any manner, Pw1 herself withdrawn from the matrimonial home and living with her parents. Rw1 further stated that Pw1 filed a case under Sec.498-A IPC and foisted many false cases against him. He further stated that, his father arrived compromise with Pw1 and executed a Regd. Settlement deed on 01-02-2010 in favour of the children of the petitioner and Ac.3-00 of dry land was transferred for their future prosperity.

21. He further submitted that, the petitioner still not satisfied with the above two items, filed a suit in O.S.No.149/2010 on the file of V Addl. District Judge's Court, Ongole for partition of the suit schedule property into 3 equal shares and also claimed for mesne profits against the 1<sup>st</sup> respondent for harassing her mentally and physically. The suit was decreed in favour of the plaintiffs and the defendant filed petition to set aside the exparte decree and now the same was pending in the court. He further alleged that, the 1<sup>st</sup> petitioner harassed him in various ways by approaching women welfare associations and made all propaganda in T.V. channels. Hence, he prayed the Court that the respondents never committed any offence as alleged by the petitioner and the petitioner herself withdrawn the society of his marital life and living with her parents.

22. It is an admitted fact by the counsel for the petitioner that the children of the petitioner have got some properties from the Respondent. The Respondents counsel vehemently argued that the petitioner did not satisfy with the illegal demands and continuously approaching various

forums and harassing the Respondent as the Respondents never committed any domestic violence towards the petitioner. He further submitted that, the Respondent tried to fulfill all his obligations as a father and transferred Ac.3-00 of land in favour of the children of Pw1. The petitioner initially agreed for the said settlement and taken Rs.10,00,000/- cash as permanent alimony and now filing the false case for harassing the respondents.

23. In turn, the petitioner's counsel vehemently argued that, Pw1 is unable to maintain herself and her children and she is depending on the mercy of her parents and she could not even earn money for her livelihood. Hence, prayed the court to grant maintenance of Rs.15,000/-.

24. Considering the facts and circumstances of the case, it is an undisputed fact that the Ac.3-00 of land was transferred in favour of the children of petitioner and the petitioner is legally wedded wife of the 1<sup>st</sup> Respondent. It is his minimum responsibility to take care of her wife, even she got divorced unless re-married. Hence, this Court feels that, the Respondent had meet out obligations as a father and it is not feasible to hold the complete responsibility of the petitioner and her children on his shoulders. Hence, this court feels that minimum amount shall be granted to the petitioner towards her maintenance. Hence, the petition is partly allowed.

25. Point No.4 :

To what relief?

In the result, the petition is allowed directing the 1<sup>st</sup> respondent to pay maintenance of Rs.2,000/- per month to the petitioner from the date of this petition till further orders. The arrears of amount shall be payable to

the petitioner directly or he may deposit in the Court within 3 months from the date of this Order.

The claim against the respondents 2 to 4 is dismissed.

*Typed to my dictation by the Personal Assistant, corrected and pronounced by me in Open Court, this the 7<sup>th</sup> day of January, 2016.*

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

**APPENDIX OF EVIDENCE  
WITNESSES EXAMINED**

For Petitioner :

PW-1: Chembeti Srilakshmi

PW-2: Thanneeru Kondamma

For Respondents :

RW-1: Chembeti Sreenu

**DOCUMENTS MARKED**

- NIL -

**III A.J.M.F.C.,  
ONGOLE**