

**IN THE COURT OF THE SPL. JUDL. MAGISTRATE OF I CLASS,
EXCISE COURT, ONGOLE.**

Present: Miss **C.R.Sumalatha**, B.Sc., L.L.B.,
Special Judicial Magistrate of I Class, Excise Court, Ongole

Wednesday, this the 24th day of June, 2013.

D.V.C.No. 21 of 2012.

Between:

Darsi Saritha w/o Srinivasa Rao, aged 30 years,
Koppolu village, Ongole Mandal, Prakasam District.

....Petitioner

and

Darsi Srinivasa Rao s/o Adivaiah, 37 years,
Building contract works, S.N.Padu village,
S.N.Padu Mandal, Prakasam District.

...Respondent

This case coming on 11.06.2013 for final hearing before me in the presence of Sri K.Srinivasa Rao, Advocate for Petitioner and that the respondent having remained exparte, and having stood over for consideration till this day, this court made the following:

// ORDER //

1. The petitioner filed this complaint before the District Protection Officer/Project Director, Ongole contending that on 06.07.2000 her marriage was performed with the respondent as per Hindu Rites and customs, at the time of her marriage her father gave cash of Rs.1,00,000/- as dowry and presented gold chain, a ring and a bracelet to the respondent and also household articles, they lived happily for some period and out of wedlock she gave birth to two female children who are now aged about 11 and 8 years respectively. The respondent addicted to bad vices and used to harass the petitioner and her parents both physically and mentally demanding Rs.2,00,000/-, petitioner's parents and elders also advised the respondent to change his attitude and to lead happy marital life, but the respondent did not change his attitude and demanded Rs.2,00,000/- to lead marital life with petitioner abusing that the petitioner gave birth to two female children and did not begotten a male child and he is unable to maintain the petitioner and

their children. In the month of February, 2011 the respondent necked the petitioner and their children from the house asking the petitioner to bring additional dowry of Rs.2,00,000/- as he is unable to maintain them, otherwise he will do away her life and as there is no other go, she went to her parents house, though her parents approached the respondent, the respondent did not change his attitude. Hence, the petitioner filed this complaint seeking maintenance to her and her children and also for the educational expenses of their children.

2. The Protection Officer/Project Director forwarded the complainant of petitioner to the Hon'ble III-A.M.M. Court, Ongole after making counseling between the petitioner and respondent.

3. In spite of several adjournments and conditional orders as the respondent failed to file counter, counter on behalf of Respondent is treated as NIL. And this case is transferred to this Court from III-A.M.M. Court, Ongole as per the proceedings of the Hon'ble Chief Judl. Magistrate-cum-Prl. Senior Civil Judge, Ongole in Dis.No.487, dt.04.04.2012 and the same is re-numbered as D.V.C.No.21/2012.

4. During the course of enquiry the petitioner herself examined as P.w.1 and no documents are marked and on behalf of respondent no oral or documentary evidence is adduced.

5. In spite of granting several adjournments, both parties are called absent and there is no representation on behalf of both parties, hence arguments is treated as heard.

6. Now point for Considerations are that :

1. Whether the petitioner is entitled for the relief of maintenance to her and to her children and for their educational expenses from the respondent, if so, to what extent ?

2. To what relief ?

POINT:-

7. Perused the evidence of P.w.1 and material available on record. The evidence of P.w.1 is that on 06.07.2000 her marriage was performed with the respondent at Ongole and at the time of their marriage her parents gave cash of Rs.1,00,000/- and also a gold chain, a bracelet and a ring to the respondent, and after their marriage she joined the respondent and she was blessed with two female children who are now aged about 12 and 8 years respectively. P.w.1 further deposed that after giving birth to their first daughter, the respondent started harassing her to bring money as she gave birth to a female child and subsequent to giving birth to second daughter the respondent again started harassing her demanding her to bring Rs.2,00,000/- from their parents as she gave birth to two female children, when she informed about the same to her parents, her parents along with her relatives came to their house and questioned the respondent about the harassment, the respondent also demanded them to give Rs.2,00,000/- stating that he is unable to maintain his two daughters and asked her parents to take the petitioner and their children along with them, if they are unable to give Rs.2,00,000/-. P.w.1 further deposed that again in the month of February, 2011 the respondent came to the house in an intoxication state and picked up quarrel with her demanding her to bring additional dowry and beat her and necked her out of the house including their children, on that she came to her parents house, though her parents held mediation, but in vain.

8. The petitioner further submits that the respondent is working as Mechanical Engineer at Chimakurthy and getting salary of Rs.25,000/- per month, the respondent is also doing real-estate business and earning income of Rs.50,000/- per month and the respondent is having sufficient means and capacity to maintain her and her children and at present she is depending upon her parents for eking livelihood as she is unable to maintain herself and her children and prays to grant monthly maintenance of Rs.5,000/- to her and Rs.5,000/- to each of her children towards their monthly maintenance.

9. Denying the contentions of the petitioner, the respondent did not file any counter and did not adduce any oral or documentary evidence, it is therefore an adverse inference could be drawn that the petitioner and respondent are husband and wife and the respondent used to harass the petitioner demanding her to bring additional dowry on the reason that she gave birth to two daughters and the respondent necked out P.w.1 and their children from the house by abusing her and beating her demanding her to bring Rs.2,00,000/- from her parents which amounts to domestic violence under Domestic Violence Act and since then the petitioner is staying away from the respondent at her parents house and the respondent is not taking care of welfare of petitioner who is unable to maintain herself and also failed to look after the welfare of their children who are depending upon the petitioners parents for eking their livelihood, though the respondent is working as a Mechanical Engineer and getting salary of Rs.25,000/- per month.

10. It is therefore, in view of the above discussion, it could be safely concluded that the petitioner and her children are entitled for maintenance and the respondent is directed to pay monthly

maintenance of Rs.3,000/- per month to the petitioner and monthly maintenance of Rs.2,000/- to each of her children for monthly maintenance from the date of this Order.

11. In the result, the petition is allowed by granting maintenance of Rs.3,000/- to the petitioner and Rs.2,000/- to each of her children, towards their monthly maintenance from the date of this order. And the respondent is directed to pay monthly maintenance to the petitioner on or before the 5th of every succeeding month.

Dictated to the personal assistant, transcribed by him, corrected and pronounced by me in open court, this the 24th day of June, 2013.

Sd/- C.R.Sumalatha.
***Spl. Judicial Magistrate of I Class,
Excise Court, Ongole***

//APPENDIX OF EVIDENCE//

:- WITNESSES EXAMINED :-

For Petitioner
P.W.1 :Darsi Saritha.

For Respondent:
- None-

// DOCUMENTS MARKED //

For Petitioner:
NIL

For Respondent:
NIL

Id/- C.R.Sumalatha.
Spl.JMFC, Excise Court,
Ongole.