

IN THE COURT OF THE JUDICIAL MAGISTRATE OF I CLASS,
SPECIAL MOBILE COURT, ONGOLE.

Present :: **Sri Kumar Vivek,**
Judl. Magistrate of I Class,
Special Mobile Court, Ongole.

Monday, this the 8th day of June, 2015.

D.V.C.No. 8 of 2014.

Between:

Madhala Sujatha W/o Srinivasulu, 26 years,
Jammalapalem village, Tangutur mandal.

....Petitioner

and

1. Madhala Srinivaslu S/o Bodaiah, 32 years,
2. Madhala Vijaya Kumari W/o Bodaiah, 50 years,
3. Madhala Bodaiah S/o Gangaiah, 55 years,
4. Ravulapalli Sobha Rani W/o Venkateswarlu, 35 years

All are resident of D.No. 2-43/1, Mulaguntapadu,
Singarayakonda.

....Respondents

This case coming on 06-05-2015 for final hearing before me in the presence of Sri P.Venkateswara Rao, advocate for petitioner, and of Sri P.Vengaiah, advocate for respondents having stood over for consideration till this day, this Court delivered the following:

// ORDER //

1. This is the petition filed under section 12 of the Protection of the Women from the Domestic Violence Act, 2005, by the petitioner against the respondents alleging that the petitioner was subjected to domestic violence at the hands of the respondents, and thereby she has claimed reliefs of protection order, maintenance, compensation and costs.

2. The factual matrix of the case of the petitioner as set out in the petition in brief is that after the birth of their daughter the respondents have demanded additional dowry from the petitioner and they have also harassed her for bringing additional dowry; that the petitioner did not inform her parents about her harassment for additional dowry; that on one day the petitioner was severely beaten by the respondents, and they did not provide food to her for two days, and later sent her to the house of her parents; that when the elders were sent on the side of the petitioner for mediation the respondents have agreed to return 21 sovereigns of gold ornaments and in lieu of cash of Rs.1,81,000/- that were given to the respondent no. 1 at the time of her marriage to give Ac.1-00

of land in the name of her daughter by appointing the petitioner as the guardian, and also to set up a separate family; that the said mediation was held in the presence of the elders who are residing at the village of the petitioner and also the elders who are residing at the village of the respondents; that the respondents did not fulfill the terms of the said settlement; that when the petitioner was attending a petition for restitution of conjugal rights by the respondent no. 1, the respondent no.1 has threatened to kill the petitioner if she do not agree to give divorce to him; that on 08-08-2011 the petitioner went to the house of the respondent no. 1 at Mulaguntapadu village where the respondent no.4 was present, and in the night of 08-08-2011 she and her daughter have slept in the house and on 09-08-2011 at about 6-30AM the respondents have questioned the petitioner about the entering into their house without bringing additional dowry; that the respondent no.2 beat the petitioner with an iron rod and when the petitioner put her hands to avoid the blow then she sustained injuries on her both the hands; and that the respondent no.1 has necked her out from his house by holding her tuft, and the respondent no.3 and 4 have beaten her anterior side and torned her blouse, therefore, this petition has been filed.

3. Counter has been filed on behalf of the respondent no.1 to 3 and the same has been adopted by the respondent no.4 by filing adoption memo and besides denying the material averments of the petition the respondents have submitted that the the petitioner and the respondent no.1 are blessed with girl child by name Harika; that parents of the the respondent no.1 presented 20 sovereigns of gold ornaments to the petitioner at the time of marriage; that the petitioner gave said gold ornaments to her parents who pledged same in the bank; that the father of the respondent no.1 gave Rs.1,00,000/- to the respondent no.1 for carrying mineral water business, and the petitioner took the said Rs.1,00,000/- from the house of the respondents and also their girl child without intimating the same to the respondents about 2 years ago and went to the house of her parents at Jammulapalem village; that the respondent no.1 requested the petitioner to come and join his company, and that the petitioner

has refused to come to reside along with the respondent no.1; that the respondents have sent the mediators by name Vaka Annapuramma and Akkula Venkat Narasa Reddy of Nidamanuru village to the village of the petitioner and asked her to come and live with the respondent no.1, but the petitioner did not give any proper reply; that thereafter the respondent no.1 has filed OP 15/2010 on the file of learned Additional Senior Civil Judge, Ongole, against the petitioner for restitution of conjugal rights with an intention to lead happy marital life with the petitioner; that the petitioner has filed counter in the said petition with frivolous allegations; that the petitioner has foisted false case against the respondent by giving complaint against the respondents before the Tangutur police station under section 498-A of the Indian Penal Code, and later also foisted false case against the respondents under section 498-A and 324 r/w 34 before the Singarayakonda police station in which the respondent no.1 was arrested by the Singarayakonda police; that the petitioner is not interested to come and join the company of the respondent no.1 as such the respondent no.1 had withdrawn OP 15/2010 that was filed for restitution of conjugal rights; that subsequently the respondent no.1 has filed OP 86/2011 on the file of learned Additional Senior Civil Judge, Ongole, for divorce against the petitioner and same is pending for disposal; that after filing of the said divorce petition the petitioner and their daughter got issued lawyer notice dt. 01-10-2011 demanding partition of the schedule properties on behalf of their minor daughter and claiming maintenance for their minor daughter to which the respondent no.1 and 2 have issued reply notice dt. 25-10-2011; that the petitioner has voluntarily left the company of the respondent no.1 without any fault on the part of the respondents and the respondent no.1 is depending on his parents for his livelihood; that the petitioner is in more financially affluent condition than the respondents; and that the petitioner has filed the present petition to harass the respondents, therefore, the petition may be dismissed.

4. On the side of the petitioner the petitioner examined herself as PW1 and one Thatithoti Narasimha Rao has been examined as PW2. On the said of the respondents the respondent no.1 examined himself as RW1 and one Galla

Chittemma has been examined as RW2. No documents have been exhibited by both sides.

5. Heard the arguments in advance on behalf of the both sides.

6. Perused the material on record.

7. **Points for determination:**

1. Whether the petitioner was subjected to domestic violence by the respondents ?

2. Whether the petitioner is entitled to the reliefs claimed by her in the petition?

3. To what reliefs ?

8. **Point No1:-**

PW1 has deposed on oath before this Court that on 26-08-2007 her marriage with the respondent no.1 was performed at Mulaguntapadu village, Singarayakonda mandal; that at the time of their marriage her parents have given cash of Rs.1,81,000/- and 21 sovereigns of gold to the respondent no.1; that her native place is Jammalapalem village and the respondents are native of M.Nidamanuru; that immediately after her marriage she joined her matrimonial home and out of their wedlock she is blessed with one female child by name Harika on 09-05-2008; that after the birth of the said Harika the respondents have started to harass her as she has given birth to a female child and they have neglected her and they did not take her to her matrimonial home; that the respondents have also demanded her and her parents to give cash of Rs.1,00,000/- and Ac.1-00 cents of landed property; that after five months of giving birth to her daughter Harika she joined the company of her husband at her matrimonial house; that the respondents have beaten her in connection of their demand of cash of Rs.1,00,000/- and Ac.1-00 cents of landed property from her parents; that the respondents is supplying water babools and earning Rs.40,000/- to Rs.50,000/- per month depending upon the demand; that in the year 2009 her parents have started seeing marriage alliance for her brother and the respondents have harassed her stating that if her brother is married then her parents will not give money and property to her and they demanded her to get money and property from her parents and in that regard they have also beaten her; that on one day the respondent no.1 to 3 have tried to neck her out from

the house, but she did not come out of her matrimonial house on that the respondents have poured kerosene on her and they have threatened her they will set fire to her if she do not leave her matrimonial house; that her parents have held mediation in the presence of elders by name Ravuri Ayyavaraiah, Thatitoti Narasimha Rao, Mupparaju Venkata Rao and Kakumani Subba Rao, but in vain; that at present she has been residing at the house of her parents, and she has been is depending upon her parents; that she do not have means and capacity to maintain herself and her daughter; and that she filed present petition claiming maintenance @ Rs.7,000/- for her and Rs.7,000/- for her daughter and also for house rent and other expenses. PW1 has stated during the course of her cross-examination that 10 days prior to her marriage with the respondent no.1 her parents have presented cash of Rs.1,81,000/- and 21 sovereigns of gold ornaments to the respondents at their house; that there is documentary proof(bills) pertaining to the said gold ornaments; that after 3 months of her marriage the respondents have started demanding her to get cash of Rs.1,00,000/- and Ac.1-00 cents of landed property from her parents; that she has filed two cases against the respondents under section 498-A of the Indian Penal Code during the pendency of the petition filed for restitution of conjugal rights as the respondents have come to the house of her parents and they have threatened her; and that she did not file any documentary proof to show that the respondent no.1 is doing business by supplying watter babools, and he earning Rs.40,000/- to Rs.50,000/- per month. PW1 admits during the course of her cross-examination that she has contested the petition filed for restitution of conjugal rights by the respondent no.1. PW1 has denied suggestions during the course of her cross-examination that her parents have never presented cash of Rs.1,81,000/- and 21 sovereigns of gold ornaments to the respondents; that the respondents have never demanded her to bring cash of Rs.1,00,000/- and Ac.1-00 cents of landed property from her parents, and they have never harassed her in that regard; that the respondents have never necked her out, and they have never threatened to kill her by pouring kerosene; that she used to harass the respondent no.1 by demanding the respondent no.1 to get partition of the landed properties and to put up separate family at Singarayakonda, and when the

respondent no.1 has refused the same then she intentionally deserted the respondent no.1 and at that time while coming to the house of her parents she had also taken cash of Rs.1,00,000/- from her matrimonial house; that she had given 20 sovereigns of gold ornaments belonging to her in-laws to her parents for pledging the same; that she is not entitled to claim maintenance for her daughter who has filed partition suit against the respondents; that the respondent no.1 has been depending upon his parents for his livelihood, and that he is not doing any business; that she has been working as Teacher and earning Rs.7,000/- per month; and that she is not entitled to any of the reliefs claimed in the petition.

9. The statement of PW2 on oath before this Court that at the time of marriage of PW1 with the respondent no.1 the parents of PW1 have given cash of Rs.1,81,000/-, 21 sovereigns of gold and house hold articles; that PW1 and the respondent no.1 lived for about 1 year and after that PW1 informed him that she came to her parents house due to dispute with the respondent no.1 and her in-laws; that they have also twice held mediation between PW1 and the respondent no.1 after that PW1 joined the company of the respondent no.1 and again she returned to the house of her parents due to dispute; that again a *panchayat* was held between PW1 and the respondent no.1 wherein PW1 agreed that she will join the company of the respondent no.1 if he put up separate family at Singarayakonda as she is unable to bear the harassment in the hands of her in-laws and sister of the respondent no.1 to which the respondent no.1 replied that he put up separate family at Nidamanuru village; that during said *panchayat* PW1 had also demanded her in-laws to return the cash and gold ornaments given by her parents at the time of her marriage for doing business by the respondent no.1 for eking out their livelihood, and also to settle Ac.1-00 of landed property in the name of daughter of PW1; that later PW1 did not join the company of the respondent no.1 as the respondent did not satisfy her demand; that PW1 and her daughter are residing along with the parents of PW1; and that PW1 do not have capacity to maintain herself, and she is depending upon her parents. PW2 has stated during the course of his cross-examination that the respondent no.1 is

doing seasonal business by supplying water babools; that he do not know the respondent no.1 is having license to run water babools business; that the parents of PW1 have given cash of Rs.1,81,000/- and 21 sovereigns gold to the respondent no.1 and his parents at the time of performing of marriage of PW1 with the respondent no.1. PW2 admits during the course of his cross-examination that the dispute between PW1 and the respondent no.1 arose as the respondent no.1 and his parents did not set up separate family as demanded by PW1; and that prior to her marriage PW1 was working as a teacher in a private convent. PW2 has denied suggestions during the course of his cross-examination that he do not know about the family affairs of PW1 and the respondent no.1, and that the respondent no. 1 is not doing any business and that he is depending upon his parents for his livelihood; that the parents of PW1 have never gave cash of Rs.1,81,000/- and 21 sovereigns of gold ornaments to the respondent no.1 and his parents; that he did not hold any mediation between PW1 and the respondent no.1; and that he is deposing false at the instance of family of PW1 for political support.

10. RW1 has testified before this Court that after giving birth to his daughter the respondent(*sic* PW1) did not return to her matrimonial house, and when he asked PW1 to join him then she demanded him to put up separate family; that he had sent the elders by name Akkula Venkata Narasimham and Vaka Annapurna for mediation and the said elders have returned as PW1 did not give proper answer; that later he filed petition against PW1 seeking restitution of conjugal rights before the learned Additional Senior Civil Juge, Ongole, *vide* OP no. 15/2013; that PW1 has filed criminal case for the offence punishable under section 498-A of the Indian Penal Code against him and his parents and sister; that he had withdrawn the petition seeking restitution of conjugal rights as PW1 did not return to her matrimonial house in spite of filing of said petition and she has filed criminal case for dowry harassment, and he filed petition seeking divorce before the learned Additional Senior Civil Judge, Ongole; that PW1 has filed suit for partition; that PW1 had left his company stating that she will join only when he put up a separate family; that he is not doing any business; and

that he is depending upon his parents for his livelihood; that PW1 is working as a teacher, and she is eking out her livelihood; that PW1 is having capacity to maintain herself and also her daughter; that PW1 is not entitled to seek any maintenance from him. RW1 has stated during the course of his cross-examination that after 10 days of the birth of his daughter he went to the house of her in-laws along with elders by name Akkula Venkata Narasimham and Vaka Annapurna; that about 3 years ago PW1 had left his house demanding him to put up separate family, and PW1 also did not give proper answer when asked by him to join her matrimonial house; that due to filing of several cases by PW1 against him his health has deteriorated and he is not doing any work; that he has not filed any document to show that PW1 is working as a teacher and she is also doing saree business and earning Rs.15,000/- per month; that his father is doing cultivation and his father is having Ac.2-00 cents of ancestral property out of which his father is receiving Rs. 3,000/- to Rs.4,000/- per annum as an income; and that except the said land there are no other properties and source of income for eking out their livelihood. RW1 admits during the course of his cross-examination that PW1 has lodged criminal case against him that is pending at Kandukur Court, and one criminal case is pending before this Court; that they are having a building at Singarayakonda village; and that they are having a house at M.Nidamanuru village. RW1 further states during the course of his cross-examination that the house at M.Nidamanuru is his ancestral property. RW1 has denied suggestions during the course of his cross-examination that one Ravuri Ayyavaraiah and Thatithoti Narasimha Rao held mediation in between him and PW1 at B.Nidamanuru village in the said mediation they have agreed that he and PW1 will put up a separate family at Singarayakonda and he will return gold ornaments to PW, and he will settle one acre of landed property in the name of his daughter; that he filed petition for divorce from PW1 in spite of compromise with her; that PW1 is depending upon her parents for eking her livelihood and of her daughter and they are maintained by her parents; that he is doing business and earning Rs. 15,000/- to Rs.20,000/- per month; that PW1 is not doing any work and she is not earning any income; and that he is liable to maintain PW1 and his daughter.

11. RW2 has deposed before this Court that she know PW1 as well as the respondents; that she is residing near the house of the respondents; that she and one Govindamma made negotiations between the families of the parties herein and settled the marriage alliance between PW1 and RW1; that no dowry was given by the parents of the petitioner to the respondents at any point of time; that after their marriage PW1 and RW1 stayed at B.Nidamanur village for about 2 years and subsequently they shifted to Singrayakonda village; that PW1 used to demand RW1 to put up separate family as they are having two female children; that subsequently PW1 went to the house of her parents as RW1 did not put up separate family; that the petitioner has been working as teacher in a private school at Tangutur; that to her knowledge the petitioner is not doing any business; and that the respondents have never demanded any dowry from PW1. RW2 has stated during the course of her cross-examination that surname of the parents PW1 is *Menda*; that she and said Govindamma went to the house of parents of PW1 only once at the time of their marriage and negotiations were held at tobacco barn; that she advised the respondents to marry PW1 as she is good looking, and that she did not make any negotiations about their marriage; that she had seen PW1 at tobacco grading unit belonging to one Bellam Kotaiah at Kondepi bus stand; that she do not remember the date and year of the marriage PW1 and RW1; that PW1 gave birth to her daughter at B.Nidamanur village; that PW1 stayed at the house of the respondents for about 2 years after her marriage; that PW1 never harassed the respondent; that PW1 did not herself leave her matrimonial house; that through PW1 she came to know that PW1 is working in a private school belonging to one Sundaram R/o Madigapalle, Tangutur mandal; and that the respondent no.1 is depending upon his parents for his livelihood and he is not attending any work. RW2 has denied suggestions during the course of her cross-examination that she has been deposing false in favour of the respondent under whom she and her husband are doing agricultural coolie work; that she never mediated the marriage negotiations between the families of the parents; and that she do not know anything about the affairs of the families of the parties.

12. It is the version of PW1 before this Court that she is blessed with a female child by name Harika on 09-05-2008 and after her birth RW1 has started harass to her(PW1), and that all the respondents have beaten her to get money and property from the house of her parents. Thus the evidence of PW1 reveals that she was warned by the respondents for giving birth to a female child and also for getting cash and property from her parents. So far as the first ground regarding harassment of PW1 by the respondents for giving birth to a female child is concerned, this version of PW1 has not been challenged by the respondents during the course of her cross-examination by way of even giving any suggestion to the *contra* to her. Furthermore, the evidence of PW1 regarding her subjection to domestic violence by the respondents for getting money and property from the house of her parents has also not been destroyed in material particulars by the respondents, and the evidence of PW1 in that regard has withstood incisive cross-examination during the course of her cross-examination. Therefore, it is held that PW1 was subjected to domestic violence by the respondents for giving birth to a female child and also for getting money and property from the house of her parents.

13. The defence of the respondents is that PW1 has voluntarily deserted the RW1 when the RW1 has refused to set up a separate family along with her at Singarayakonda as demanded by PW1. PW1 has testified before this Court that her parents have attempted to resolve the matrimonial dispute in the presence of elders through Ravuri Ayyavaraiah, Thatitoti Narasimha Rao(PW2), B.Venkata Rao, and K.Subba Rao. PW2 has deposed before this Court that thrice *panchayath* was held between PW1 and the RW1 and in the third *panchayath* PW1 has expressed that she will join the company of RW1 if RW1 set up separate family at Singarayakonda as she is unable to bear her harassment at the hands of her in-laws and sister of RW1, and RW1 also agreed to set up separate family, but at Nidamanuru village during the said *panchayath*, and that subsequently PW1 did not join the company of RW1 as the respondents did not satisfy her demand. The learned counsel for the respondents has argued that PW2 admits during the course of his cross-examination that the dispute arose between PW1

and RW1 as RW1 and his parents did not set up separate family as demanded by PW1 and that the said categorical admission made by PW2 during the course of his cross-examination probabalises the said defence of the respondents. No doubt PW2 has admitted during the course of her cross-examination that the dispute arose between PW1 and RW1 his parents as RW1 did not set up separate family as demanded by PW1, however, the said admission of PW1 shall not be read in isolation, and that the said admission must be read in conjunction with the evidence of PW1 and when read so it establishes that no doubt PW1 has demanded RW1 to set up separate family at Singarayakonda in the third *panchayath* but she has so demanded as she was unable to tolerate her harassment at the hands of her in-laws and the sister of RW1. The version of PW2 is also that due to dispute between PW1 and the respondents the *panchayath* were held. Even RW2 categorically denies during the course of her cross-examination that PW1 herself left her matrimonial house. Under such circumstance it is held that the respondents has failed to substantiate that PW1 demanded RW1 to reside separately at Singrayakonda and when RW1 did not do so then PW1 voluntarily deserted him. The learned counsel for the respondents has placed reliance on the authority reported in *AIR 2003 SC 3174 between Deb Narayana Halder vs. Smt. Anushree Halder* to substantiate the defence of the respondents that PW1 has voluntarily left the company of RW1 without any justifiable reason as such she is not entitled to maintenance. In the case of hand the petitioner has been compelled to left her matrimonial house due to her subjection to domestic violence by the respondents for giving birth to a female child and also for not bringing money and property from the parents of PW1 as demanded by the respondents. Thus the petitioner is held to have justifiable reason to leave the matrimonial house as such the facts of the authority relied by the respondents *supra* is not applicable to the facts of this case and with due respect not followed. The petitioner has claimed compensation of Rs.6,00,000/- stating that her parents have given Rs.1,81,000/- cash, gold ornaments weighing 21 sovereigns, and Rs.20,000/- towards cloths to the respondents as dowry, and that they are still with the respondents. The evidence of PW1 is that her parents have presented cash of Rs.1,81,000/- and gold ornaments weighing 21

sovereigns of gold to RW1 at the time of marriage. There is no evidence of PW1 before this Court that any cash of Rs.20,000/- was given to the respondents for purchasing cloths. PW1 has deposed in her chief examination that at the time of her marriage her parents have given cash of Rs.1,81,000/- and gold ornaments weighing 20 sovereigns to the respondent no.1. PW1 has stated during the course of her cross-examination that the said cash and gold ornaments were handed over to the respondents at their(petitioner) house about 10 days prior to her marriage. PW2 has stated during the course of his cross-examination that the parents of PW1 have given cash of Rs.1,81,000/-, gold ornaments weighing 21 sovereigns to RW1 and his parents at the time performing marriage of PW1 and RW1. Therefore, there is inconsistency in the evidence of PW1 itself and also in the evidence of PW1 and PW2 regarding the time and occasion of presentation of alleged dowry to RW1 and his parents by her parents. PW1 has also stated during the course of her cross-examination that there are bills to show that the gold ornaments weighing 21 sovereigns that were presented to the respondents were purchased by her parents. The alleged bills are not produced before this Court to show that that the alleged gold ornaments were purchased by the parents of PW1 immediately, prior to or at the time of marriage of PW1 with RW1. The parents of PW1 are not even examined on the side of the petitioner to prove the alleged presentation of dowry of cash and gold ornaments to RW1 and his parents. The evidence of PW2 also do not reveal that the alleged dowry was presented by the parents of PW1 to RW1 and his parents in his presence. Therefore, it is held that the petitioner has failed to substantiate her contention that the alleged dowry was presented by her parents to RW1 and his parents in her marriage. Under such circumstance the petitioner is not entitled to any relief of compensation as claimed by her.

14. PW1 has stated before this Court that RW1 is doing business of water babools and he is earning Rs.40,000/- to Rs.50,000/- depending on the demand, and that she is having no means and capacity to maintain herself and her daughter as such she require Rs.7,000/- each towards monthly maintenance for herself and her daughter. The respondents contend that RW1 is not doing

any business and he is depending on his parents for his livelihood, and that PW1 is working as a teacher and she is having capacity to maintain herself and her daughter. Neither of the parties adduced any evidence to show that RW1 is doing business of water babools at Singarayakonda or that PW1 is working as a teacher. PW2 has stated during the course of her cross-examination that prior to her marriage PW1 is working as teacher in a private convent. RW1 has deposed before this Court that PW1 is working as private teacher in Tangutur. RW2 deposed that PW1 is working in a private school belonging to one Sundaram r/o Madigapalle, Tangutur. However, the respondents did not examine any of the authorities of the school where PW1 is said to have been working as teacher. Under such circumstance sans such evidence of the authorities of the alleged school no reliance can be placed on the oral evidence of RW1 and RW2 that PW1 has been teaching in a private school at Tangutur. It is not the case of the respondents that RW1 is differently-abled and that he is not having even physical capacity to earn. RW1 is under the obligation to maintain PW1 who is legally wedded wife as the evidence of PW1 establishes that she and her daughter were neglected to be maintained by RW1 on the ground that PW1 has got female baby, and that she did not bring money and property from her parents as demanded by the respondents. The respondents have also placed reliance on the authority reported in *AIR 2014 PATNA 147 between Shambhu Nath Pathak vs. Kanti Devi* to show that the petitioner and her daughter has been granted interim monthly maintenance @ Rs.1,000/- each in IA 926/2014 in OP86/2011 on the file of learned Additional Senior Civil Judge, Ongole, and that the petitioner is not entitled to claim any maintenance in this petition. The hon'ble Patna High Court held that the husband cannot be asked to pay maintenance to his wife under section 125 of the Criminal Procedure Code when the permanent alimony has been granted under section 25 of the Hindu Marriage Act. In the instant case the petitioner is claiming maintenance in the petition filed under Protection of Women from Domestic Violence Act, 2005, and it is a case of none of the parties herein that any permanent alimony has been granted to the petitioner and her daughter under section 25 of the Hindu Marriage Act. Therefore, the facts of this case is different from the facts of the authority relied

by the respondents *supra*, as such the ratio of the authority *supra* is not applicable to the facts of this case and with due respect not followed. Considering the abled body of RW1, current rate of inflation and the status of the petitioner this Court deem it proper that monthly maintenance @ Rs.4,000/- shall be payable by RW1 to the petitioner. The respondents have subjected the petitioner to domestic violence due to which the petitioner has suffered mental agony and pain, under such circumstance the respondents are liable to pay compensation of Rs.1,00,000/- to the petitioner. The points are answered accordingly.

15. Point No.2:-

In view of my finding in point no.1 the petition is allowed in part granting following reliefs to the petitioner.

1. the respondents are prohibited from causing any domestic violence to the petitioner in any manner as described under section 18 of the Protection of the Women from Domestic Violence Act, 2005;
2. the respondent no.1 is directed to pay monthly maintenance @ Rs.4,000/- to the petitioner on or before 10th of every succeeding month from the date of this order; and
3. the respondents are directed to pay Rs.1,00,000/- to the petitioner towards compensation for causing mental pain and agony.

Dictated to the Personal Assistant, transcribed by him, corrected and pronounced by me in open Court, this the 8th day of June, 2015.

Sd/- Kumar Vivek,
Judicial Magistrate of I Class,
Spl. Mobile Court, Ongole.

//APPENDIX OF EVIDENCE//

-: WITNESSES EXAMINED :-

For Petitioners
PW1 :M.Sujatha
PW2 :T.Narasimha Rao

For Respondent:
RW1: M.Srinivasulu
RW2: G.Chittemma

// DOCUMENTS MARKED //

For Petitioner: -Nil-

For Respondents: - Nil-

Sd/- Kumar Vivek,
Judicial Magistrate of I Class,
Spl. Mobile Court, Ongole.

// True copy //

Judicial Magistrate of I-Class,
Spl. Mobile Court, Ongole.