

**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

Monday, this the 05th day of August, 2013.

D.V.C.No. 23 of 2012.

Between:

Polugoni Jyothi w/o Sydulu, aged 24 years,
Karavadi village, Ongole Mandal, Prakasam District.

... Petitioner

And

Polugoni Sydulu s/o Ramulu, aged 30 years,
Maddiralapadu village, N.G.Padu Mandal,
Prakasam District.
Respondent

...

This case coming on 29.07.2013 for final hearing before me in the presence of Sri **M.Venugopal**, Advocate for Petitioner and of Sri **R.Kesava Rao**, Advocate for Respondent and having stood over for consideration till this day, this court made the following:

// ORDER //

1. The petitioner filed this complaint before the District Collector, Ongole and the same is forwarded to the District Protection Officer/ Project Director, Ongole contending that her parents performed her marriage with respondent and at the time of their marriage her parents gave cash of Rs.70,000/- towards Pasupukumkuma and they put up their family at Karavadi itself as the respondent married her against the will of his father, his sisters and other relatives and both of them lived happily for about 2 years and out of wedlock she was blessed with two children and out of them 1st child born dead. 3 years after their marriage the respondent shifted the family to Maddiralapadu village, at the instance of his father, his sisters and other relatives and with the amount of Rs.40,000/- belonging to her

parents the respondent obtained toddy license and after that they started harassing her both physically and mentally and also used to beat her indiscriminately. Complainant further submits that as the respondent is harassing her demanding additional dowry and gold she went to her parents house and brought gold ornaments i.e., Thalibottu wg. about 4 sovereigns, gold chain wg. about 2 sovereigns, ear studs wg. about one sovereign, finger ring wg. about ½ sovereign from her parents, in spite of that the respondent used to beat her as she did not bring money from her parents even though she expressed inability of her parents to give money. The respondent used to consume alcohol on every day and used to harass her suspecting her fidelity and as there is no other go about 1 year back she consumed all the tablets available at the house with an intent to commit suicide and she was rescued. Again she joined the respondent to lead marital life, 3 months later the respondent beat her over her head and caused bleeding injury and 15 days after that the respondent again beat her and necked her out of the house suspecting her, on that she went to her parents house, 10 days later the respondent came to her parents house and took her to the marital home. The respondent also asked her to sell toddy at their shop and she also used to sell toddy, on January, 1st 2011 somebody greeted her at their shop on that the respondent beat her with a brick and on 05.01.2011 the respondent again beat her and sent her to her parents house and on 06.01.2011 the respondent came to her parents house along with his relatives and elders by names Monapati Venkateswarlu, Anchala Subbarao, Tata Koteswara Rao and demanded her to give divorce and on the intervention of elders by names Linga Haribabu, Monapati

Venkateswarlu, Alluri Venkata Reddy, Bantu Venkanna, Boddu Sydulu, Kola Thirupathaiah and Kola Janaki, the respondent again took her to the marital home on 18.01.2011 and on the next day night the respondent again beat her indiscriminately and due to that she sustained bleeding injuries, on hearing cries the neighbourers came there and shifted her to the hospital and she also gave statement to the police and she filed this complaint for taking necessary action against her husband and his relatives.

2. Denying the averments made in the complaint, the respondent filed counter contending that he never ill-treated the petitioner and he never demanded any extra dowry or gold from the parents of petitioner, the petitioner used to harass the respondent on every day without any reasonable cause and she never used to care the respondent and their children and the respondent used to take care of welfare of petitioner and her children, when he asked the petitioner about her behaviour, the petitioner bore grudge on him and filed this false case only to harass him and prays to dismiss the petition.

3. To prove the case of the petitioner, the petitioner examined herself as Pw.1 and no documents are exhibited. No oral or documentary evidence is adduced by the respondent.

4. Now point for Considerations are that :

Whether the petitioner is entitled for the relief of protection, shelter and maintenance ? If so, to what extent ?

POINT:-

5. The evidence of P.w.1 is that nearly 10 years back her marriage was performed with the respondent and at the time of their marriage her parents gave cash of Rs.70,000/- and 8 sovereigns of gold, immediately after marriage she and the respondent has put up their family at Karavadi village and stayed there for about 3 years and lead happy marital life for about 2 years, subsequently the respondent started beating her on the instigation of his elder sister and her husband and also shifted their family to Maddiralapadu village and started a licensed toddy shop and lived happily for about 2 years, after that the respondent again started harassing her and used to beat her by consuming alcohol on the instigation of his elder sister and her husband. Due to unbearable harassment in the hands of respondent, on one occasion she attempted to commit suicide by consuming all tablets available at house and she underwent treatment provided by her parents. After recovery she again joined her marital home, 15 days later respondent again picked up quarrel with her and also beat her with a brick on her head and caused bleeding injury, due to unbearable harassment she also gave report to the police and at the instance of police she along with her children and the respondent are staying in one house in separate rooms as per the terms of compromise agreed by them. It is therefore, admittedly the petitioner and her children are taking shelter in the shared house hold by staying separately from the respondent in the same house.

6. During cross-examination of P.w.1 no suggestion is put to P.w.1 denying harassment of P.w.1 and beating of P.w.1 by the respondent and further no oral or documentary evidence is adduced by the

respondent denying the evidence of P.w.1 and to prove the contents in his counter. And even the respondent did not come forward to examine him as a witness to prove the contents in his counter, for the reasons best known to the respondent. It is therefore, an adverse inference could be drawn that P.w.1 is staying separately from the respondent in the same house due to harassment in the hands of respondent, therefore, the respondent is directed to not to commit any act of domestic violence and the respondent is further restrained from dispossessing P.w.1 or in any manner disturbing the possession of P.w.1 from the shared household.

7. With regard to maintenance, according to P.w.1 the respondent is running a toddy shop and earning Rs.2,000/- to Rs.3,000/- per day and respondent is also having Ac.2-00 cents of land at Kandagadla village of Nalgonda District and she is claiming an amount of Rs.10,000/- to her and to her children and also towards their children educational expenses. Except the oral evidence of P.w.1, there is no oral or documentary evidence to prove that respondent is running a toddy shop and earning Rs.2,000/- to Rs.3,000/- per day and the respondent is having Ac.2-00 cents of land at Kandagadla village of Nalgonda District and no scrap of evidence is filed by P.w.1 to prove that respondent is running a toddy shop and earning Rs.2,000/- to Rs.3,000/- per day and also having Ac.2-00 cents of land at Kandagadla village of Nalgonda District and further the evidence of P.w.1 is silent whether the said Ac.2-00 cents of land is dry or wet land and whether Respondent is cultivating the same or not and whether the respondent is yielding any income from the said land, if

so, how much income the respondent is getting from out of said landed property. However, during cross-examination of Pw..1 it is elicited by the respondent from P.w.1 that previously P.w.1 and respondent both were running licenced toddy shop and it is the contention of the respondent that at present petitioner and her parents are running toddy shop and earning Rs.1,500/- per day, a suggestion to that effect was put to P.w.1 which is denied by her. To support the above contention of respondent no oral and documentary evidence is adduced and even the respondent did not come forward to examine him as a witness to support his contention that the petitioner and her parents running toddy shop and earning Rs.1,500/- per day and respondent failed to prove that the petitioner is earning income of Rs.1,500/- per day. It is therefore, in view of the above discussion, I am of the opinion that petitioner is entitled for maintenance to her and to her children and respondent is directed to pay Rs.1,000/- to P.w.1 and Rs.500/- to each of her children.

8. In the result, the petition is allowed by granting maintenance of Rs.1,000/- to the petitioner and Rs.500/- to each of her children (two daughters and a son) i.e., Rs.1,500/- 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 5th of every succeeding month. And respondent is further directed to not to commit any act of domestic violence and further the respondent is restrained from dispossessing P.w.1 or in any manner disturbing the possession of P.w.1 from the shared house hold.

Typed to my dictation by the personal assistant, corrected and pronounced by me in open court, this the 05th day of August, 2013.

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

// APPENDIX OF EVIDENCE //

-: WITNESSES EXAMINED :-

For Petitioner
P.W.1 : Polugoni Jyothi

For Respondents:
- None -

// DOCUMENTS MARKED //

For Petitioner:
- NIL-

For Respondents:
- NIL -

C.R.Sumalatha.

Id/-

Spl.JMFC, Excise Court,
Ongole.