

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

Present :- **Smt D.Durga Kalyani**
III-Addl. Judicial Magistrate of First Class, Ongole

Saturday, this the 18th day of April, 2015

D.V.C.No.3/2014

Between:

Samagowni Padmavathi, w/o Sri Hari, aged 34 years,
r/o Isamia Bazaar, D.No.3-3-680, Kothi,
Hyderabad.

... Petitioner.

And

1. Samagowni Sri Hari, s/o Balanna, aged 40 years,
2. Samagowni Balanna, aged 65 years,
3. Somagowni Sarojini Devi, w/o Balanna,
All are H.No.6-289, Radhakrishna Public School,
Kurnool Road, Ongole.

..... Respondents

* * *

This case coming on 09-01-2015 before me for final hearing in the presence of Sri. K. Siva Prasad Advocate for Petitioner and of respondents 1 and 3 remaiend exparte, 2nd respondent died and on careful perusal of entire material evidence available on record and on hearing, having stood over for consideration till this day, this court delivered the following :

// ORDER //

01. This complaint is filed by the complainant against the respondents U/Sec.12, 18, 19, 20 of Domestic Violence Act., to grant protection shared house in 8th portioned building of respondents which is situated at Kurnool road Ongole and monthly maintenance to the petitioner and to her children for an amount of Rs.10,000/- and Rs.10,000/- towards educational expenses, cloths etc.

02. The brief averments of the petition are that – the marriage between complainant was solomnizd with R1 about 13 years ago, at that time the parents of complainant gave Rs.3,00,000/- cash and

25 sovereigns of gold ornaments to R1 and his parents. Subsequently they were blessed with two children namely Dinesh and Gayatri. It is further averred that at the time of marriage R1 stated that he is doing business, after marriage she came to know that R1 was job less and addicted to all bad vices and also started to harass her along with his parents for want of additional dowry from her parents. While so on 05-07-2010 her husband and in-laws ie., respondents abused her in filthy language, caught hold of her tuft and dragged out of her matrimonial home demanding to bring additional dowry of Rs.2,00,000/-. There upon she went to police station to give report to police on that all of respondents came to police station and promised to police that they will look after well, her and her children well, but they did not change their attitude. Again on 26-07-2010 her in-law instigated R1 to kill her and then she reached to her parents house and then her parents held mediations but the same was futile. She further averred that R1 is doing job as software engineer at Hyderabad and getting Rs.70,000/- towards salary and he is suffering a lot for her daily needs and also to her children. The father of R1 is a retired Government employee and he has died and mother of R1 getting Rs.25,000/- towards pension. Further R1 is having 8 portion residential house at Kurnool road, Ongole and getting Rs.30,000/- per month towards rent and also getting rents from shops of Rs.30,000/- per month out of his shopping complex and he has no necessity to spend any amount to his parents. Hence prays to allow this petition.

03. On the other hand the respondents failed to file counter in spite of given much opportunity, and they were made exparte.

04. To establish her case the complainant examined herself as PW.1 by filing chief affidavit in lieu of chief examination by reiterating the same facts as stated in complaint.

05. Heard arguments on behalf of the complainant.

06. Now the points for determination are -

1. Whether the petitioner is entitled for the orders u/sec.18 (1) (a) of D.V.Act ?
2. Whether the complainant is entitled for accommodation u/sec.19 (1) (f) of Act ?
3. Whether complainant and her children are entitled for monthly maintenance u/sec.20 (d) of Act ? and
4. To what relief ?

07. In order to substantiate her version, the complainant got examined as PW.1 and submitted that the marriage between complainant was solemnized with R1 about 13 years ago, at that time the parents of complainant gave Rs.3,00,000/- cash and 25 sovereigns of gold ornaments to R1 and his parents. Subsequently they were blessed with two children namely Dinesh and Gayatri. It is further averred that at the time of marriage R1 stated that he is doing business, after marriage she came to know that R1 was jobless and addicted to all bad vices and also started to harass her along with his parents for want of additional dowry from her parents. Further all of respondents threatened her that if she fails to bring additional dowry, they will perform 2nd marriage to 1st respondent. While so on 05-07-2010 her husband and in-laws i.e., respondents abused her in filthy language, caught hold of her tuft and dragged out of her matrimonial home and demanded to bring additional dowry of Rs.2,00,000/-. Then she went to police station to give report to police. On that all of respondents came to police

station and promised to look after her and her children well, but they did not change their attitude. Again on 26-07-2010 her in-law instigated R1 to kill her and then she reached to her parents house. Though her parents held mediations, the same was futile. She further averred that R1 is doing job as software engineer at Hyderabad and getting Rs.70,000/- towards salary whereas he is suffering a lot for her daily needs and also to her children. The father of R1 is a retired Government employee and died and mother of R1 getting Rs.25,000/- towards pension. Further R1 is having 8 portion residential house at Kurnool road, Ongole and getting Rs.30,000/- per month towards rent and also getting rents from shops of Rs.30,000/- per month out of his shopping complex and he has not necessity to spend any amount to his mother.

08. Per contra, the respondents were set exparte by this court as they failed to file counter and to cross examine Pw.1 inspite of given much opportunity.

09. Perused the entire material available on record. On careful examination of evidence this applicant is wife of 1st respondent.

10. Point Nos.1 to 3 :

As seen from the record, it is elaborately deposed by the applicant that she has harassed by respondents. The said version was not denied by the respondents. No contra evidence is also adduced by the respondents. The remained exparte. In the absence of unchallenged claim by the respondents. I find no reason to unbelieve the version of applicant. Hence I am inclined to grant monetary relief to the parents. Coming to other allegations

pertaining to orders under section.18 and 19 of the Act., it is deposed by PW.1 that respondent cheated that he is doing business and subsequently she came to know that he is jobless. Again she comes with contra version that R1 is working as Software engineer and getting salary of Rs.70,000/- and he is residing at Hyderabad. So the version of PW.1 shows two divergent stands. Further coming to Point No.2 no documentary evidence is filed by the petitioner that the respondents are having 8 stoned building and shopping complexes. Hence in view of discussion I am not inclined to grant relief under section.18 and 19 of the Act.

11. Point No.4:

In the result, petition is partly allowed by granting monetary benefit under section.20 of Domestic Violence Act., directing the 1st respondent to pay Rs.2,000/- each to the complainant and to her children towards food, shelter and their maintenance from the date of this order.

Typed to my dictation to the Shorthand writer, corrected and pronounced by me in Open Court, this the 18th day of April, 2015.

Sd/- D. Durga Kalyani,
III Addl. Judl. I Class Magistrate
Ongole

Appendix of Evidence
Witnesses Examined

For Petitioners :
PW.1 : S. Padmavathi;

For Respondents :
- None -

Documents Marked

Both sides - Nil -

Sd/- D. Durga Kalyani,
III AJCJ, Ongole.

// TRUE COPY //

III-AJMFC, Ongole.