

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

PRESENT : SMT. M.ANURADHA,
III ADDL. JUDL. MAGISTRATE OF I CLASS, ONGOLE.

Friday, the 22nd day of September, 2017.

DOMESTIC VIOLENCE CASE NO.8/2015

BETWEEN :

1. Shaik Shakheela, W/o.Shaik Mahamad Rafi, D/o.Shaik Nasruddin, aged 29 years, r/o.Peerla Manyam, Door No.46-139-659, Kurnool Road, Ongole, Prakasam District.
2. Shaik Shahana, D/o.Shaik Mahamad Rafi, aged 17 years.
3. Shaik Rehana, D/o.Shaik Mahamad Rafi, aged 15 years.

(Petitioner Nos.2 and 3 being minors represented by their mother, natural guardian, Shaik Shakheela/1st petitioner). **... PETITIONERS**

A N D

Shaik Mohammad Rafi, S/o.Abdul Hafeez, aged 45 years, r/o. Door No.19-12-36, Near : Community Hall, Old Rajarajeswaripeta, Vijayawada, Krishna District. **... RESPONDENT**

This petition coming on 28-08-2017 for final hearing before me in the presence of *Sri K.Siva Prasad, Advocate for Petitioners and of Respondent remained ex parte*, and upon perusing the material available on record, and upon hearing the arguments and having stood over for consideration, till this day this Court delivered the following :

O R D E R

1. This petition is filed U/Sec.12 r/w.18, 19 and 20 of the Protection of Women from Domestic Violence Act, 2005(herein after referred as DVC ACT for brevity) by the petitioner Nos.1 to 3 against the respondent seeking an amount of Rs.10,000/- each to the petitioner Nos.1 to 3 towards maintenance, education and medical expenses and Rs.10,000/- per month towards residential accommodation and Rs.1,00,000/- each to the petitioner Nos.1 to 3 towards compensation and seeking protection to the petitioner Nos.1 to 3 from the respondent and costs.

2. Brief averments of the petition are as follows :

Marriage of the 1st and petitioner and the respondent was performed in the year 1994 as per Muslim custom and at the time of marriage the 1st petitioner's parents gave 10 sovereigns of gold ornaments, Rs.15,000/- cash and house hold articles worth of Rs.1,00,000/- to the respondent. After the marriage, the respondent put up family in Vijayawada. Subsequently, the family of the respondent demanded

the 1st petitioner to get additional dowry and harassed her. One year later, the respondent shifted family to Ongole and in the year 2010 the respondent deserted the 1st petitioner along with children who are the petitioner Nos.2 and 3 at Ongole. The petitioners took shelter in the Short Stay Home, Ongole and stayed there for a period of seven months and later the 1st petitioner filed P.L.C. No.38/2011 before District Legal Services Authority, Ongole and the matter was compromised by passing an award on 11-03-2011. Thereafter, the respondent joined with the 1st petitioner and led marital life at Vijayawada. It is further averred that, the respondent developed illicit intimacy with one Munthaj and in the month of May, 2015 again the respondent neared the petitioners from the matrimonial home and since then the petitioners have been residing at Ongole. It is further averred that, the 1st petitioner has been suffering from cancer since eight years and as such she required medical expenses for her treatment, that even after desertion the petitioners life is in danger in the hands of the respondent.

It is further averred that, the respondent is having two storied house building in Vijayawada and getting Rs.25,000/- towards rents and he also earns Rs.50,000/- per month by doing battery business and thereby the respondent is having sufficient means. Hence, the petitioners are seeking protection order U/Sec.18, rental accommodation for Rs.10,000/- per month U/Sec.19, Rs.10,000/- each to the petitioner Nos.1 to 3 towards maintenance U/Sec.20 and Rs.1,00,000/- each to the petitioner Nos.1 to 3 towards compensation U/Sec.22 of Protection of Women from Domestic Violence Act, 2005.

3. Respondent was set ex parte.

4. During the course of enquiry, the 1st petitioner herself examined as PW1 and no documents were marked on her behalf.

5. Heard the learned counsel for the petitioners'.

6. Now, the points for consideration are :

- 1. Whether the petitioners are entitled for the reliefs as prayed for ?**
- 2. To what relief ?**

7. **POINT NO.1 :**

Whether the petitioners are entitled for the reliefs as prayed for ?

The 1st petitioner is examined as PW1. PW1 testifies that the respondent is her husband and the father of the 2nd & 3rd petitioners and due to the harassment caused by the respondent she along with her children are residing at her parents house at Ongole. She further testifies that the respondent totally neglected her by addicting to bad vices and also by developing illicit intimacy with one lady by name Munthaj at Ongole and also continued his acts and the respondent caused acts of Domestic Violence against the petitioners and that they apprehend life danger in the hands of the respondent. PW1 further testifies that, she has been suffering with chronic disease of cancer for the last eight years and even then also the respondent did not look after her health and deserted her and that PW1 testified that they took shelter at Short Stay Home for about seven months.

8. The evidence of PW1 remained unchallenged. The contents of the petition and the testimony of PW1 disclose that the respondent caused acts of domestic violence against the petitioners and also making continuous threats to endanger their life. Thus, the petitioners are certainly entitled for the relief of protection order U/Sec.18 of the Act and the respondent is restrained from causing any acts of the domestic violence against the petitioners. The petitioners also claims rental accommodation. Considering the facts and circumstances of the status of the parties, the petition is allowed partly, directing the respondent to pay Rs.5,000/- per month towards their rental accommodation. The respondent is directed to pay Rs.3,000/- per month each to the petitioner Nos. 1 to 3 towards maintenance. Considering the plea of PW1 that she has been suffering with cancer disease and she is in need of regular medical treatment, the respondent is directed to pay Rs.50,000/- to the 1st petitioner towards compensation. Considering the mental agony suffered by the 2nd & 3rd petitioners at their tender age, it is just

and necessary to direct the respondent to pay Rs.25,000/- each to the 2nd & 3rd petitioners towards compensation.

9. POINT NO.2 :

To what relief ? :

In the result, petition is allowed in part, restraining the respondent from causing any acts under domestic violence against the petitioner Nos.1 to 3. The respondent is directed to pay Rs.5,000/- per month to the petitioners towards rental accommodation from the date of this order and also to pay Rs.3,000/- per month each to the petitioner Nos.1 to 3 towards maintenance from the date of this order. Further, the respondent is directed to pay Rs.50,000/- to the 1st petitioner towards compensation for her ill-health within two months from the date of this order. Further, the respondent is directed to pay Rs.25,000/- each to the petitioner Nos.2 and 3 within two months from the date of this order towards compensation for the mental agony sustained by them at their tender age. The respondent is directed to pay the respective maintenance amounts of the petitioner Nos.2 and 3 till the date of their getting marriage. The respondent is further directed to pay the respective maintenance amounts on or before 10th date of every succeeding month.

Dictated to the Stenographer of this court, transcribed by him, corrected and pronounced by me in open court, this the 22nd day of September, 2017.

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

// Appendix of evidence //
Witnesses examined

For Petitioner :

PW1 : Shaik Shakeela.

For Respondent :

-Ex parte-

Documents marked

For Petitioner :

- NIL -

For Respondent :

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III A.J.M.F.C.