

**IN THE COURT OF III ADDITIONAL JUDICIAL MAGISTRATE OF  
FIRST CLASS : CHITTOOR**

PRESENT : **S.SAILAJA.**

III Addl. Judicial Magistrate of First Class,  
Chittoor.

Monday, the Thirtieth (30<sup>th</sup>) day of October, 2017.

**D.V.C.No. 12 of 2017**

Between:

N.Sumithra w/o R.K.Govinda Rajulu, age 23 years,  
D.No.1-92, Bandlapalle Village, Narigapalle Post,  
Chittoor District.

... Petitioner

And

1. R.K.Govindarajulu S/o Kannaiah, aged 30 years.
2. Kannaiah s/o. Not known
3. Lakshamma W/o Kannaiah,
4. Venkatesh S/o Kannaiah,  
A-1 to A-4 are r/o Annammagaripalle Village,  
Somala Mandal, Peddaupparapalle .
5. Gopi
6. Bhuvana W/o Gopi
7. Bhaskaramma

A-5 to A-7 are r/o Kuppireddy Tangal Village,  
Katpadi Mandal, Vellore District.

... Respondents

This petition is coming on 23.10.2017 for final hearing before me in the presence of Sri K.Kumaraswamy, Advocate for Petitioner, and the respondents remained exparte, and having stood over to this day for consideration; this Court delivered the following:

**ORDER**

**01.** This petition is filed by the petitioner for seeking reliefs under Sections 18, 19, 20 and 22 of Protection of Women from Domestic Violence Act.

**02. The brief averments of the petition are as follows :**

**A.** The petitioner is the wife of 1<sup>st</sup> respondent and their marriage was performed on 7-11-2013 in Sri Varasiddi Vinayakaswamy Temple, Kanipakam, Irala Mandal, Chittoor District as per Hindu rites and customs. At the time of marriage, the parents of the petitioner have spent nearly Rs.1,00,000/- towards marriage expenses and presented

05 sov. Of gold jewels to petitioner and 02 sov. Of gold jewels to the 1<sup>st</sup> respondent and a cash of Rs.15,0000 - towards dowry and also presented house hold articles to a tune of Rs.2,00,000/- to the satisfaction of respondents as demanded by them. Immediately after the marriage she has joined with the 1<sup>st</sup> respondent in the matrimonial home and lived happy marital life for a period of 3 months. Out of wed-lock no children were born to her. After 5 days of the marriage, the 1<sup>st</sup> respondent taken away all gold jewels presented by her parents to her and 1<sup>st</sup> respondent and pledged the same with the knowledge of remaining respondents and since then those gold ornaments are with the respondents. After three months of marriage the 1<sup>st</sup> respondent left her company and on the intimation, her parents searched about the 1<sup>st</sup> respondent and brought him to matrimonial home and then surprisingly she came to know that the 1<sup>st</sup> respondent is having illicit intimacy with another lady and living with her and when she has questioned about the same, he given reckless reply by stating that if she want to live with the 1<sup>st</sup> respondent he may brought his paramour to the house as he wants to live and lead his live with her and his paramour, failing which he is not going to live with her. Thereafter, she came to know that prior to the marriage itself the 1<sup>st</sup> respondent is having illicit intimacy with another lady and leading adulterous life with his paramour and by knowing the same, suppressed and performed the marriage of 1<sup>st</sup> respondent with her.

**B.** Further she submitted that whenever she has questioned about the said facts with the respondents 2 to 7 for which all the respondents have beat her indiscriminately and since then started harassing her in both mentally and physically and not chosen to minimum needs and requirements and also not chosen to provide proper

food and totally neglected her without maintaining her and on several times the respondents have insisted and beat her as she has questioned about the illicit intimacy of 1<sup>st</sup> respondent with another lady and also all the respondents used to beat her indiscriminately as she has questioned the illicit intimacy of 1<sup>st</sup> respondent. Since then all the respondents have joined together and used to harass her without any fault on her part and the 1<sup>st</sup> respondent used to brought his paramour to his house and in her presence used to abuse her in filthy language and used to beat her indiscriminately without any fault on her part. As she was unable to borne the harassments from the hands of respondents, requested them not to harass her and to advise the 1<sup>st</sup> respondent to stop his illicit intimacy with his paramour and to live and lead happy marital life with her by providing all day to day needs and requirements to her and to look after her as one of their family members, but all her requests are in vain and the 1<sup>st</sup> respondent not chosen to stop his acts and not chosen to look-after her as a member of their family. As and when she used to question about the attitude and behaviour of 1<sup>st</sup> respondent with the respondents 2 and 3, they used to threaten her with dire-consequences by stating that the dory provided by her parents is not sufficient and that their son is living with his paramour and used to beat her without mercy without any fault on her part by stating that if any justice is required her to get the same through court of law. As she has continuously tried to advise the 1<sup>st</sup> respondent, hence he completely neglected her to her fate and living his live with his paramour at the house of 7<sup>th</sup> respondent. As she is unable to live without proper food, she has joined with her parents and later she has reported the matter to the Project Director, Women and Child Welfare Department, Chittoor by stating all the said facts and in turn the Project Director called the respondents for counseling and in

that the 1<sup>st</sup> respondent admitted his illicit intimacy and stated that he is going to leave his past life and going to live and lead marital life with her alone by providing all day to day needs and requirements to her and also assured that within one month he is going to return the house-hold articles, gold ornaments to her as those gold ornaments are pledged and hence the matter was adjourned to 27-1-2017, but on that date the respondents not present and hence according the matter referred to this court.

**C.** Further she submitted that the 1<sup>st</sup> respondent is doing and getting Rs.50,000/- per month from it and also having landed property at his native village and getting agricultural income more than Rs.1,00,000/- and also having pucca residential house at his native village. Even though the respondents are having sufficient means and capacity to maintain her by providing all day to day needs and requirements, but 1<sup>st</sup> respondent utterly failed to do so. Now she is taking shelter with her parents house and her parents who are aged persons are not in a position to maintain her and unable to provide even proper food also due to which she is suffering a lot for her both ends.

**03.** After receipt of notices, R.1 to R.7 called, absent. No representation, hence they are set ex-parte.

**04.** On behalf of petitioner, she examined herself as P.W.1 and marked Exs.P.1 and P.2. No oral or documentary evidence was adduced on behalf of respondents.

**05.** Heard.

**06.** Now, the point for consideration is :

1. *Whether the petitioner herein was subjected to domestic violence and she is entitled to seek the reliefs under Sections 18,19, 20 and 22 of the Act?*
2. *To what relief ?*

**07. POINT 1:**

**A.** As seen from the petitioner's case, it is her evidence that she is the wife of 1<sup>st</sup> respondent and their marriage took place on 07.11.2013. It is alleged that her parents gave dowry of cash and gold to the 1<sup>st</sup> respondent during the marriage. After the marriage, the petitioner was harassed and neglected without providing food and minimum requirements. She was beaten several times for questioning about illegal intimacy of 1<sup>st</sup> respondent with one lady.

**B.** In order to establish her contentions, the Petitioner/ Aggrieved Person herself examined as P.W.1, and deposed in Chief on par with her Pleadings in the Petition. Since the Respondents No.1 to 7 have remained exparte, it can be said that the evidence of P.W.1 had remained un-challenged, an adverse inference can be drawn against the Respondents to the effect that they had admitted the case of the Petitioner/Aggrieved Person.

**C.** As seen from the Petitioner, the Petitioner/ Aggrieved Person has sought the various reliefs, first one being 1] Protection Order under Section 18, restraining the Respondents No.1 to 7 from repeating the act of violence and to stay away her and her caretakers. It is clear from the evidence of P.W.1 that her contentions even though under Section Domestic Violence at the hands of the Respondents No.1 to 7 was not at all discredited, and as such her evidence prima facie, establishes that she was subjected to domestic violence by the Respondents No.1 to 7. So, in the circumstances, the Respondents are to be restrained from showing any acts of domestic violence against the Petitioner. The Petitioner has also sought for Residence Order under Section 19. This Court deems that an alternate accommodation can be provided to the Petitioner as she did not express her consent specifically

for living under one roof along with Respondents No.1 to 7. So, this Court deems that an amount of Rs.1,500/- can be awarded as Charges for alternate accommodation towards rent. The Petitioner has also sought another relief under Section 20 claiming, the Petitioner has claimed Rs.5,000/- towards her food, clothes and medication and other expenses etc., But, she did not specify the source of income or means of the 1<sup>st</sup> Respondent as well as his capacity to provide the said amount to her. but stated he has agricultural lands and own house. To prove the same she has not filed any proof. So, in circumstances, the claim of the Petitioner for Rs.5,000/- cannot be entertained. So, this Court deems fit to award Rs.3,000/- as her monthly maintenance expense. The Petitioner has also sought for compensation Rs.10,00,000/- from the 1<sup>st</sup> Respondent. But she did not specify as to on what counts she had sought such compensation. In these circumstances, the mere averment in the Petition is not sufficient to grant compensation to the Petitioner, since the tie between the Petitioner/ Aggrieved Person is sacred the marital tie and it cannot be equated with any business relation wherein the damages or compensation will be paid for breach.

Hence, this Point is answered in favour of the Petitioner/Aggrieved Person accordingly.

**08. POINT 2 :** *To what relief?*

As point No.1 is answered in favour of petitioner, this point is also in favour of petitioner.

In the result,

- 1) Petition is partly allowed;
- 2) holding that the petitioner is entitled for protection order under sec. 18 of Domestic Violence Act the respondents are directed not to use any act of Domestic Violence against the petitioner to stay away from her and her care takers and not to enter into the residing place of the petitioner;

- 3) the respondent No.1 is liable to pay Rs.1,500/- PM towards the alternate accommodation charges to the petitioner;
- 4) the respondent No.1 is directed to pay maintenance of Rs.3,000/- (Rupees Three thousand only) per month to the petitioner on or before 5<sup>th</sup> of every month, from the date of petition;
- 5) the other reliefs claimed by the petitioner under sec.22 of Domestic Violence Act for compensation shall stand dismissed; and
- 6) the respondents 2 to 7 are not liable to pay the alternate charges and maintenance amount to the petitioner, as respondent No.1 is bound by law to provide the same to the petitioner herein.

*Typed by the Personal Assistant to my dictation, corrected and pronounced by me in the open court on this, the 30<sup>th</sup> day of October, 2017.*

Sd/ S.SAILAJA.  
III Addl. Judl. Magistrate of I Class,  
Chittoor.

**APPENDIX OF EVIDENCE**  
**WITNESSES EXAMINED**

FOR PETITIONER :

P.W.1 : N.Sumithra

FOR RESPONDENTS :

None

**DOCUMENTS MARKED**

ON BEHALF OF PETITIONER :

Ex.P.1 : Original wedding card.

Ex.P.2 : Positive photograph 3 in number.

ON BEHALF OF RESPONDENTS : Nil.

Id/ SSLJ  
III AJMFC.,  
CTR.

// True copy //

III Addl. Judl. Magistrate of I Class,  
Chittoor.