

श्रीमान
महिला कोर्ट, नं. 158, 159
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METROPOLITAN MAGISTRATE (MAHILA COURT-02) WEST
TIS HAZARI COURT COMPLEX, DELHI

R VS. RI & ORS.

08.02.2019

Present : None for the parties.

Arguments on interim relief application have already been heard.

Vide the present order, I shall dispose of the interim relief application filed by the petitioner u/s 23-D V Act.

The present petition has been filed by the petitioner averring that the marriage between her and respondent No.1 got solemnized on 11.10.2011 according to Hindu Rites and Ceremonies. It is submitted that the said marriage was duly consummated, however, there is no issue from the said the marriage. The petitioner has stated that her marriage was solemnized with great pomp and show and her mother spent Rs.30 lacs in her marriage and gave all sorts of household articles, jewellery, furniture etc. The petitioner has stated that after her marriage, she came to know that respondent 1 / husband is a habitual drinker and he used to mis-behave with



the petitioner after drinking. The petitioner has alleged that respondent no.1 never used to give her money for her day to day expenses and she used to ask her mother for the same. The petitioner has also alleged that she was made to do all the house-hold chores. It is further alleged by the petitioner that respondents no.3 & 4 always used to instigate respondent no.1 to harass, maltreat and humiliate the petitioner. Thereafter, the petitioner went to her parental house on 20.10.2017 and since then she has been residing there. It is further alleged by the petitioner that due to the atrocities and cruelties of respondent no.1, the present petition has been filed.

Further, the petitioner has stated in her income affidavit that she is a house-wife and has no source of income. She has further stated that she is totally dependent upon her mother and brother for her sustenance. The petitioner has also stated that she is the legally wedded wife of respondent no.1 and despite this he has been refusing to maintain her. Therefore, the petitioner has prayed for atleast Rs.70,000/- per month towards her maintenance.

The petitioner has stated that respondent no.1 is a man of means and is working in a reputed company as an HR and is earning above Rs.1,00,000/- per month. Beside this, respondent no.1 is also stated to be having income from other sources. Further, it is stated that respondent has no other liability except to maintain his wife.

Respondent no.1 has filed reply to the present petition wherein the allegations of domestic violence had been denied and it is prayed that the present petition be dismissed being devoid of any merits. The respondent no.1 has stated in his income affidavit that he

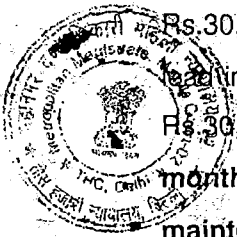


is working and is getting salary of Rs.24,000/- per month. Further, respondent no.1 has submitted that the petitioner is a Nursery teacher by profession and was employed with Golden Era School at Jaipur.

The truthfulness and veracity of the allegations leveled by the petitioner shall be a matter of trial. At this stage, from the allegations made, prima-facie act of domestic violence are made out against the respondent.

By way of present application, petitioner has sought interim maintenance for herself and her children.

The petitioner as well as respondent no.1 have placed on record their respective income affidavits. The petitioner has stated that the income of respondent no.1 is about Rs.1 lakh, however, nothing has been placed on record by the petitioner in support of her contentions. From the statement of account of respondent no.1, it is revealed that repeatedly amounts to the tune of Rs.75,000/-, Rs.1,22,000/-, Rs.1,36,000/- and Rs.56,000/- have been deposited in the said account by F.L. _____ Pvt. Ltd. It is stated that respondent no.1 has resigned from his services and he has filed the resignation letter and the acknowledgment in this regard. It has been submitted by respondent no.1 that at present, he is earning Rs.30,000/- per month. At this stage, when the evidence is yet to be taken in the present case, assessing the income of respondent no.1 @ Rs.30,000/- per month, I hereby award a sum of Rs.10,000/- per month towards the maintenance of the petitioner. The said maintenance is liable to be paid from the date of the present



application till further orders.

However, it is pertinent to mention herein that the petitioner is a qualified professional having a certified Nursery Teacher qualification and has been working. Though, at present it is stated that the petitioner is not working. Accordingly, the present maintenance is awarded only for a period of one year, by the end of which, the petitioner is directed to file documents along-with affidavit to show efforts that have been put in by her to get an employment.

The maintenance awarded in any other proceedings stands adjusted.

Application u/s 23 of Protection Of Women From Domestic Violence Act, 2005 stands disposed off.

Put up for PE on 02.05.2019.

Copy of order be given dasti to both the parties.

(Announced in the open Court
on 02.05.2019).




(Sonam Gupta)
माननीय न्यायाधीश, महिला न्यायालय-02
MM/MC/2019/02/02
वेस्ट थाने न्यायालय, दिल्ली
West/THC/02/02/2019