

IN THE COURT OF METROPOLITAN MAGISTRATE
TRAFFIC COURT-VI, BENGALURU CITY.

Crl.Mis.No. 3

Dated : This the 7th day of September, 2019.

Present : Smt. _____, M.Com, LL.B.,
Presiding Officer of M.M.T.C-VI

Petitioner : Dr.(Mrs) _____ a
Puthenveedu,
W/o Dr. _____
Aged about 25 years,
R/at No. _____,
Opp. _____ t,
Near Water Tank,
I _____,
Bangalore - 5

V/s

Respondent No.1 : Dr. _____
Aged about 27 years,
S/o Dr. _____ se.

Respondent No.2 : Dr. _____ e,
Aged about 69 years,
S/o _____

Respondent No.3 : Dr. _____
Aged about 57 years,
W/o Dr. _____ e.

All are R/at No. .

Bangalore - 5

J U D G M E N T

The Petitioner has filed the application U/Sec. 12 of Protection of Women from Domestic Violence Act, 2005, seeking various relief's under the above said Act.

The brief facts of the petitioner's case are as under:

2. The petitioner and respondent No.1 marriage was solemnized on 1. Petitioner submits that at the time of marriage and engagement her parents have spent huge amount as per the demands of the respondents. Further she submits that respondent received dowry from her and after the marriage also he took money from her and her family members. Further she submits that respondents have always considered as outsider and they were never ready to accept her as one of the family members.

3. Further she submits that respondents have caused domestic violence against her. Further she submits that respondents with the funds received from her parents they utilized the same they purchased a house property. Further she submits that respondent No.1 deserted her and filed divorce petition before the Family Court. For the Dowry harassment she also filed complaint against the respondents. Hence, she prays to allow her petition.

4. After the registration of the petition this Court has issued notice to the respondents and they appeared through their counsel and filed objection to the main petition. Further in the objection statement respondents admits the marriage with the petitioner and respondent No.1. Further they denies all the allegation made in the petition against the respondents. Further they states that they never demanded dowry from the petitioner and they never caused domestic violence against the petitioner. Hence, they prayed to reject the application of the petitioner.

5. Heard argument on respondent side and petitioner arguments taken as nil. On the basis of above

facts the points that would arise for consideration are as under:

1. ***Whether the Petitioner proves that she has been Domestic Relationship with the respondent?***
2. ***Whether the Petitioner proves that the respondent has been subjected her to Domestic Violence ?***
3. ***Whether the Petitioner is entitled to the relief/s sought for ?***
4. ***If so to what extent?***
5. ***What Order ?***

6. The answers to the aforesaid points are as under:

Point No.1 : In the Affirmative;

Point No.2 : In the Negative;

Point No.3 : In the Negative;

Point No.4 : In the Negative;

Point No.5 : As per final order for the following :

R E A S O N S

7. Point No.1 to 4: The petitioner alleges that she is legally wedded wife of the respondent and her marriage solemnized on 1. With respect to her marriage she has produced marriage invitation card of her which is marked as Ex.P.4. Further petitioner submits that after her marriage she started living with

the respondent in matrimonial home. Petitioner is also submits that respondents have insisted for cash of Rs.50 lakhs, but her father has tried to negotiate Rs.40 lakhs. The respondent No.2 was adamant and he did not accepted Rs.40 lakhs as complete payment. Further she submits that later on respondent has withdrawn Rs.10 lakhs from her saving bank account at Vijaya Bank a/c bearing ----- 36 on ----- Further she submits that prior to the marriage engagement was held on ----- and for that Rs.8 lakhs has been spent by her father. Further she submits that Rs.15 lakhs has been withdrawn by the respondent on 30.04.2011 from her saving bank account and handed over by her mother and brother to the respondent. With respect to withdrawal of the money and money spent in the marriage and engagement petitioner has produced email conversations with the respondent with respect to the amount payment which is marked as Ex.P.5 in 24 pages. Petitioner also produced her Vijaya Bank account notarized copy which is marked as Ex.P.6. Further she also produced certified copy of her mother's Axix bank account statement which is marked as Ex.P.7 and her father Bank of Baroda account certified copy which is marked as Ex.P.8. Further she alleges that in Bank of

Baroda her father has pledged gold ornaments and drawn cash for the purpose of her marriage. Petitioner also produced certified copy of the gold pledged in Bank of Baroda in Ex.P.10 and pledge has been made in her name and she also produced Bank statement of the Bank of Baroda which is marked as Ex.P.11. Based upon the documents produced by the petitioner that the bank statement of her and her mother's and her father's of Rs.10 lakhs and Rs.50 lakh has been drawn by the petitioner on 20.04.2011.

8. Whereas the respondent has not denied allegation made by the petitioner but he submits in his objection that they have not demanded for the arrangements for the engagement ceremony in huge expenses manner. He submits that sought for the meager engagement expenses, hence, they are not liable to pay any engagement expenses to the petitioner and her parents. Further he submits that petitioner has left the respondent's house on her own interest by packing all her belongings on 15.03.2012 by leaving matrimonial home but she never returned back to the matrimonial house. Thereby he submits that all the respondents

have not liable to pay any amount of Rs.50 lakh and in question of pay Rs.50 lakh does not arise.

9. Further the petitioner alleges that immediately after the marriage they have started their honeymoon life at _____ here they stayed from _____ 11. further she submits that respondent never showed any enthusiasm which newly married couple have, he showed only cold relationship with the petitioner.

10. Further the petitioner alleges that on 27.08.2011 her mother has drawn Rs.7,50,000/- from her Axix Bank Account bearing No. _____ and Rs.2,50,000/- from her account and from the petitioner father's elder brother of Rs.2,50,000/- and her mother and father handed over Rs.10,00,000/- to the respondent at Gangamma Circle House. Further she also alleges that her mother has pledged her jewellerys and raised a loan bearing GOC NO. _____ dated 06.09.2011, GOC NO. _____ dated 06.09.2011 and GOC No. _____ dated 06.09.2011 from the Bank of Baroda, Kottayan Branch, Kerala and a sum of Rs.11,00,000/- is drawn from her father's bank account

No. 3 maintained with Bank of Baroda, Kottayan and paid sum of Rs.15,00,000/- to the respondent at their home at " " in " " on " " 1 by her.

11. With respect to the amount drawn by the petitioner's mother, father and elder brother as well as petitioner, petitioner admits in the cross examination that in all amount has been drawn from her account which was deposited by her father. Amount of Rs.29,00,000/- and these amount have been drawn for the business of the petitioner's father and mother. In the year " " petitioner's father was facing financial problem as he has loss in his business. In order to over come the loss in his business as well as to bloating his business he has drawn money from his account. She also deposed that she is unable to depose who were all present in the respondent's house at the time of giving money to the respondent. She also admits that the documents with respect to the Bank account she has produced all 2011 of the transaction from the date of " " 2011 and on those days there was not any expenses of her marriage. Further she also deposed that prior to the marriage with respect to the dowry no any talks were taken place

between petitioner and respondent and she deposed that some of the 15 lakhs has been given to the respondent by her in the respondent's house as dowry. With respect to that she submits that there is no any transaction in Ex.P.5 on six pages. But she submits that no doubt there is no any message communication between her and respondent for payment of money. But she mentioned as lot. This lot cannot be taken into consideration as the petitioner and respondent were in exchange of the messages for payment of the money.

12. Moreover in Dowry Prohibition Act giving dowry is also offence and it cannot be gave legality and enforced in the eyes of law. Further the petitioner admits that in her family 4 members are professional doctors and she is also professional dental doctor and she is also getting Rs.10 lakh at the time of practice immediately after MBBS and she also admits that immediately each and every practicing doctor will get Rs.10,000/- per month and in the Government hospital Rs.40,000/- has been given to the practicing Doctor. Further she submits that her father, mother, brother and cousin along with her all are doctors.

12. Further she denies suggestion that during her stay in the respondent's house she was happy and respondent took her to the honeymoon also. But on confronting the photo copy of the honeymoon trip and where the respondent has gifted gold finger ring at the time of engagement petitioner admits all the photos. Wherein based upon the photos petitioner submits that these all photos were taken by them when all the family members were along with them and she was intended to go for the honeymoon not with the family members. Hence, she submits that she is not happy with the honeymoon trip and she also submits that she has never complied about her unhappiness to her brother when she called her brother when she was enjoying the honeymoon.

13. In the cross examination also she submits that she was very much comfort and happy with her mother-in-law because her mother-in-law was taking care of her very well and she was friendly with her. Based on her such reply as well as photo produced Ex.R.4 to 12 petitioner is very happy with the respondent company and she enjoyed her trip as well as honeymoon with the respondent. Further petitioner also admits in the cross

examination that when she left house on _ l she carried all her jewels whatever her parents gifted to her. Thereby question of returning all jewels does not arise. Even petitioner submits that only Rs.3 lakh has been given in the form of dowry, as it cannot be supported in the eyes of law and as she deposed that there was no any talk about the dowry giving Rs.3 lakh, hence, returning dowry amount of Rs.3 lakh does not arise from the respondent.

14. Further the petitioner submits that when she went to respondent's house it was 3 floored building and one floor i.e., 2nd floor which was put two uneven single coats together and adjusted, then the problem, came about the double mattress, which was not available with them. The rooms were dusty and congested. The rooms need to be mopped to keep away the dust. Further she submits that the bed room was not so good and comfortable as she enjoyed in her parents house. Further she submits that kitchen was used as store room in the floor and she was not satisfied with the 2nd floor cleanliness and as not fully furnished. Further she admits that it is comfort for them to lead their life and she also admits that there was put cupboards and

cupboards allowed them to keep their belongings it was not specially allotted to her. She was expecting special care and special furniture to be allowed to her. Because of that reason petitioner has left the matrimonial home on as she alleges that as he enjoyed in very luxurious bed room in the parents house as respondent is not having any burden to provide same life style to the petitioner how she enjoyed in the parental home. Because after having knowledge of the both family life style marriage proposal has been accepted by the petitioner. That means there is burden of the petitioner to get adjust with the respondent family lifestyle and culture. But as the petitioner was new person to the respondent's house it was quite difficulty for some extent to adjust with the respondent's family after the marriage. But the petitioner has not made any effort to adjust with respondent's home atmosphere.

15. Further she submits that she was working woman and she was completed her MBBS in Dental, it shows that she capable of earning herself and she also admits that there was no any demand from the respondent side for the exaggerated expenses marriage and engagement celebrations. But the petitioner parents

have celebrated petitioner's marriage exaggerated expenses. Further she submits that she don't know the how much expenses incurred by her parents and she unable to produce documents with respect to marriage expenses. Thereby the marriage expenses without documentary evidence on the orally of the petitioner cannot be determined, as it is not corroborates with the documentary evidence.

16. Further the petitioner admits that she was love her mother-in-law very much as she is friendly with her and she is submits that she never seen the respondent's salary certificate of Rs.50,000/-, but it was stated by the respondent in front of her because of that reason she mentioned the respondent No.1 earnings as up to Rs.50,000/- per month. She also admits that after the marriage she had internship on 1 to 15.12.2012 and during those days she used to leave home on 8.15 a.m. and returning back at 4.30 and for those days her mother-in-law used to prepared food for her and as her mother-in-law made tasty food she used to enjoy it. Thereby it shows that petitioner has enjoyed happy life and comfortable zone in respondent's house. Even she never bothered to help her mother-in-law and it

also shows that she has not discharge any of her duty as dutiful wife or daughter-in-law.

17. Petitioner admits all her Bank statement transaction taken place in en-number and these all transaction were taken place with respect to business of her father and mother. Wherein her mother and father marrying business of sealing machine and she also admits that out of the money drawn from her account house has been constructed by her father in Nelamangala. House warming ceremony was celebrated in . Thereby it shows that money drawn by the petitioner account for use for her parents house construction. She also admits that after she leaving respondent's house number of panchayath and conciliation were held but all the panchayath and conciliation have not given any fruitful result. At one juncture she admits that all the F.D. were have been not broken up which were standing in her name and her father's name but she later on she submits that some of the F.D. amount given to the respondent, but with regards she has not produced any documents. Petitioner also submits that the respondent parents have given one Mangalasutra, one finger ring, two pairs of ear rings and

she don't know the weight of those gold jewels. She also submits that her father has got wealth in the Kerala it is value more than crores together. Thereby it shows that petitioner did not had any interest to lead marital life with the respondent as she was not happy with the house accommodation made in the respondent's house. As she was expecting same level of house as she enjoyed in her father's house. Thereby it shows that it is the petitioner has deserted the respondent. In order to establish respondent's earnings respondent liability respondent has been cross examined.

18. It was suggested that the respondent has purchased property with the amount Rs.50,00,000/- and one registered sale deed has been confronted to the respondent, he admits his photo registered sale deed but he denies his signature and his photo copy that signature and photo looks like him but it is not his signature and not his photo. No doubt the respondent has purchased property on '-----' but as he tried to denies signature and photo it shows that he tried to conceal true fact from the Court. Further he submits that no doubt his parents have purchased property in his name and he has not contributed any amount with

property as he is not earning and he also submits that from day one completion of degree he was nowhere working and he is doing his internship course and in internship course he is not getting any salary. But as the petitioner counsel has produce one documents with respect to internship, wherein it has been mentioned that Rs.10,000/- has been given to the respondent per month. Even then also the respondent has tried to conceal the fact from the Hon'ble Court. Thereby it shows that respondent cunning in nature to conceal true fact from the Court.

19. Despite of that respondent is not having any burden to pay maintenance to the petitioner as the petitioner is having capacity to maintain herself as she admits she had deserted respondent on her own will and wish on . Thereby, the petitioner is not entitle for any relief as she enjoyed marital life in the respondent's house and as she enjoyed the care taking from her mother-in-law. Hence, petitioner has not underwent any domestic violence under the P.W.D.V. Act in any form. Hence, petitioner is not entitle for any relief from the respondent as she deserted the respondent on her own will and wish. Hence, point No.1 answered in

the affirmative and point No. 2 to 4 are answered in the Negative.

20. **Point No.5:** In view of findings on point No.1 to 4, this Court proceeds to pass the following :

ORDER

The petition filed by the petitioner U/s
12 of The Protection of Women from
Domestic Violence Act, 2005 against the
respondents is hereby dismissed.

*(Dictated to the Stenographer, transcript computerized by her,
revised, corrected and then pronounced by me in the open Court on
this the 7th day of September, 2019)*

(TRIVENI IRAGAR)
P.O. OF MMTC-VI,
BENGALURU.

ANNEXURE

WITNESSES EXAMINED FOR THE PETITIONER :

PW-1 : Dr.

DOCUMENTS EXHIBITED FOR THE PETITIONER :

Ex.P-1 : M.C._____
 Ex.P-2 & 3 : 2 Receipts
 Ex.P-4 : Marriage Certificate
 Ex.P-5 : Email Conversation Sheet
 Ex.P-6 : Vijaya Bank Statement
 Ex.P-7 : Axix Bank Statement
 Ex.P-8 : Bank Of Baroda Statement
 Ex.P.9 to 11 : Loan Statement of Bank of Baroda
 Ex.P.12 : Sale Deed
 Ex.P.13 to 15 : FIR, Complaint & Charge Sheet
 Ex.P.16 : Photos
 Ex.P.17 : Construction Agreement
 Ex.P.18 : Cheque issued document
 Ex.P.19 to 21 : Axix Bank Khata Extract
 Ex.P.22 : Admission Order
 Ex.P.23 : 65(b) Certificate Copy
 Ex.P.24 : 4 Email Copies
 Ex.P.25 : E.C.
 Ex.P.26 : Sale Deed
 Ex.P.27 : CC _____, 3 copy
 Ex.P.28 : P.F.
 Ex.P.29 : Seizer Mahazar

WITNESSES EXAMINED FOR THE RESPONDENT :

RW-1 : Dr _____ :

DOCUMENTS EXHIBITED FOR THE RESPONDENT :

Ex.R-1 : Photo

Ex.R2 : AL _____ Co.,
details
Ex.R3 to 11 : Photo
Ex.R12 : Bedroom Photo
Ex.P.13 : Declaration
Ex.P.14 : CC of MFA _____er sheet

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