IN THE COURT OF DISTRICT JUDGE,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_

IN THE MATTER OF:

IN THE MATTER OF:

1.       \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

W/O SHRI \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

D/O \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

R/O \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_                         ..COMPLAINANT/PETITIONER

VERSUS

SHRI \_\_\_\_\_\_\_\_\_\_\_\_

S/O \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

R/O \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

SHRI \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

S/o late Shri \_\_\_\_\_\_\_\_\_\_\_

R/o \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

SMT \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

W/o SHRI \_\_\_\_\_\_\_\_\_\_\_\_\_

R/o \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

..ACCUSED/RESPONDENT

**P.S. \_\_\_\_\_\_\_\_\_\_\_\_\_**

**APPLICATION UNDER SECTION 12 OF THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT 2005 (43 of 2005)**

MOST RESPECTFULLY SHOWETH:

1. That the present application is being filed by the Complainant herein under Sections 12, 18 (d), (e) and (f), 19 (f), 20(i) b) and (d), 22 and 23 of the Protection of Women from Domestic Violence Act, 2005.

2. The numerous incidents of physical abuse, verbal abuse, emotional abuse, economic abuse committed by the Respondent on the Complainant are as described hereunder:

a)     Marriage was solemnized between the Complainant and the Respondent No. 1 on \_\_\_\_\_\_\_\_\_\_\_ at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ according to Hindu Rites and ceremonies. Ever since, i.e. for the last \_\_\_ years, the Complainant has been suffering physical and mental abuse, pain, helplessness, unhappiness and anger on account of the Respondent No. 1 and his family. Eventually, being unable to bear with the trauma and agony, the Complainant fearing for her life, being destitute without any money and stridhan has been constrained to file the present complaint.

b)     The Complainant had an arranged marriage with the Respondent No. 1. The parties come from very different backgrounds. The Complainant belongs to a closely knit family with a lot of family values and culture. On the other hand, the Respondent No. 1 belongs to a business family which is driven only by money and materialistic gains.

c)     The Complainant and her parents at the time of marriage were made to believe that the Respondents were a very well to do family. Believing the Respondent No.1’s family, marriage was arranged between the parties. A lavish wedding was held at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ by the Complainant’s parents and all the demands of the Respondent No.1’s family as regards jewelry, household items, and other items for them as well as the relatives of the Respondent No.1 were met by the Complainant’s parents. However, the mother in law of the Complainant was not happy with the jewelry, household items, and other items and would constantly taunt and insult her and her parents for not getting the jewelry, household items, and items as per their standards and name in the society. The Complainant communicated her inhibitions about the Respondent’s family and in particular his mother to the Respondent No.1. However the Respondent No.1 never assured the Complainant that he would try to speak to his mother or reconcile the differences between the Complainant and his mother.

d)     Soon after the marriage the Complainant realized that the Respondent No.1 was very aggressive, angry and wanted to control the Complainant in every respect. The Complainant was not given any space or freedom to do anything in the house and was specifically told that she can’t do a job, which the Complainant found very difficult to deal with but owing to the values given to her by her parents, she always made every effort to deal with the miserable situation and keep quiet for the peace of mind of her parents. The Complainant having no choice gave herself totally to the Respondent No.1 and his family and molded herself according to their ways, which was very different from her side of the family.

e)     After the first year of marriage itself, the Respondent No.2, mother-in-law forced the Complainant to do all the household work without any support from her mother-in-law. It would be pertinent to point out that Respondent No.1 was doing extremely well and was earning well. He was running a business but he was always reluctant to provide any financial support to the Complainant despite being financially very well off.

f)      The Complainant lived in a joint family. The Complainant’s in-laws made the Complainant do the entire household work. Respondent No. 1 and 2 made her \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. The Complainant was forced to work even at the time of her pregnancy and the Respondent No.1 never bothered to care about the health or the state of the Complainant. He spent no time with her.  The nine months were lonely and sorrowful. So much so that when the Complainant delivered her son \_\_\_\_\_, her mother in law was not happy as she wanted to get rid of the Complainant. She voiced this to the Complainant and made the Complainant feel that the child was unwanted and unwelcome into the family.

g)     The Complainant on many occasions would cry after getting into bed because no one could understand the physical and mental pain she was being put through by the Respondent No.1. The Respondent No.1 never had time to listen and would only fight and argue when the Complainant tried to plead and talk to him. The Respondent would in his fits of rage physically and mentally abuse the Complainant on several occasions. The Complainant continued to tolerate this for the sake of her small child.

h)     The Complainant always made efforts to please the Respondent No. 1 and his family. They all tolerated the Complainant as long as the Complainant played puppet in their hands, did what they wanted and lived how they wanted her to live. The Complainant did everything possible to make her marriage work and in the manner the Respondent No.1 and his family wanted. However, the Respondent No.1 was not caring towards the Complainant and never appreciated the efforts made by the Complainant to keep him and his family happy.

i)       The Complainant lived in a joint house for 5 years after her marriage and her life was miserable due to the aggressive, indifferent, angry behavior of the Respondents and continuous insults, taunting, very cold and indifferent attitude of her in laws. The Complainant was always taunted by her in laws on the ground that her parents never gave them enough during the marriage and on other festivals and functions. The Complainant’s parents tried to keep them happy in every way at every occasion by gifting Complainant’s in-laws with expensive gifts or cash but they were never satisfied.

j)       On or about \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ the Complainant was beaten up by her in–laws and at that time she was pregnant with her first Child, the Complainant was even thrown out of her in-laws House. The Complainant called up her father who came and took the Complainant to their house. The Complainant stayed at her parents house for one and a half month and in between the Respondent No 1 or his family members did not bother to call or reconcile with the Complainant. After a lot of persuasion by the father of the Complainant the respondent finally agreed to take the Complainant in to their house.

k)     The Complainant states that the Respondent No.1 had a grave drinking problem and as a result, he drank alcohol very heavily. He had no control over his drinking. The Respondent No.1 would get drunk, get loud and abusive in the dirtiest of abuses, throw up, pass out, get violent, spit on the Complainant and make life hell for the Complainant. The Respondent No.1 never bothered about their son and would become abusive physically and become totally uncontrollable in front of their child. The Complainant’s requests and pleadings to drink within limits were met with angry and violent physical backlash and opposition from the Respondent No.1.  The Respondent No.1 treated the Complainant with extreme cruelty.

l)       The Complainant states that when the Respondent gets into a rage he completely loses his control, is abusive and violent and becomes like a demon, and till today he continues with this behavior. After \_\_\_\_\_\_\_\_\_\_\_\_, there was no control over this and it became a regular feature with the Respondent No.1 to become physically abusive and violent and even abuse the Complainant in front of the minor son and in public. The Complainant got no help or support from her parents in law i.e. Respondent No.2 & 3 and on the contrary, they encouraged and sided with the Respondent No.1 and wanted the Complainant to cooperate with this animal behavior and live with it without complaining or talking about it to her family. The Respondent No.1’s parents discouraged her from telling her parents about these incidents by saying that this would further annoy the Respondent No.1 and disturb the peace of the family. The Respondent No.1’s parents kept on repeating every other day and the Complainant did not know who to turn to for support and help as her in laws felt the Respondent’s No. 1’s behavior was normal and took the mental and physical abuse very lightly and did not bother to speak to the Respondent No.1 to change his behavior towards the Complainant.

m)   The Complainant was constantly living in fear of her life as the Respondent is strong physically and has a bad temper, was aggressive, loud and completely unpredictable in his reaction to the situation. The Respondent No.1 would openly threaten the Complainant that he would physically harm her in such a manner that she would repent her whole life. The Complainant did not want to trouble her parents. The Complainant could not share her grief with anyone and continued to give in to the Respondent No.1’s demands in the hope that things would get better and peace would come to the family.

n)     The Respondent No.1 not only picked up fights and quarrels with the Complainant but also fought with the Complainant’s father brother and family publicly, which brought huge embarrassment, shame and agony to the Complainants. The Complainant’s plea to the Respondent No.1, to not fight with the Complainant’s family was of no avail. The Respondent No.1’s unreasonable and abnormal behavior continued to increase with the passage of time and he started to threaten her for life by saying would slash her throat while she was sleeping.

o)     The relationship between the parties became more estranged. The Respondent No.1 continued with his assault, physical, emotional abuse and they were like strangers living under the same roof. Things have become so bad that the Complainant had to call her father on several occasions to control the situation and prevent further physical abuse at the hands of the respondent No.1 in presence of Respondent No.2 & 3.

p)     That Complainant had in the span of \_\_\_ years of marriage got \_\_\_ abortions done. The Respondent use to come drunk to the house late at night and would by force without the wish of the Complainant get physical with the Complainant, resulting into making the Complainant pregnant and then without even consulting the Complainant by force get the said abortions done.

q)      That on or about \_\_\_\_\_ the Respondent again got physical with the Complainant resulting in her again getting pregnant and when the Respondent went for another abortion the doctor refused for the said abortion as the body of the Complainant was not in the state to take up one more abortion hence on advise of the doctor the Complainant requested the Respondent not to abort the second Child.

r)      That on \_\_\_\_\_\_\_\_ when the Complainant was three- four month pregnant the respondent No 1 along with his family members fought with the Complainant and even beat him up, the Complainant in fear called up her father at \_\_\_\_\_\_ in the night and the father of the Complainant came and took the Complainant back with her to his house. The Complainant even filed a case in the C W Cell against the respondent but had to withdraw the same as she was pregnant and she was advised rest.

s)      That on \_\_\_\_\_\_\_\_\_ the Complainant left the house of the Respondent and till \_\_\_\_\_\_\_\_\_\_\_ no one from the side of the respondent came to meet the Complainant or even gave a call to ask about her health as she was pregnant. That during this period the Complainant gave birth to the second Son \_\_\_\_\_\_\_\_\_\_\_\_\_. But still the Respondent No1 or his family member did not come to see the child and it was finally on \_\_\_\_\_\_\_\_\_\_\_\_\_ that after one more round of talks between the father of the Complainant and the Respondent No. 1 that the Respondent No. 1 agreed to take the Complainant into the house of the Respondents.

t)       That after \_\_\_\_\_\_\_\_\_ when the Complainant came back to the house of the respondent the Drinking habits of the Respondent No 1 increased, the Respondent No 1 use to come drunk late at night and use to even drink in the room. The physical torture of the Respondent No 1 increased with passage of time.

u)     The Complainant could not tolerate the torture, cruelty and behavior of the Respondents any more. The Respondents made no efforts to check upon the Complainant or her son throughout this period who was under such a mental stress and trauma at such a tender age.

v)     On the contrary the Respondent No.1 and Respondent No.2 on a daily basis shout and hurl verbal abuses to the Complainant and her family.

w)   On \_\_\_\_\_\_\_\_\_\_\_the Respondents again abused the Complainant and finally, fed up with all this the Complainant on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ left the house of the Respondents and till date has been staying with her parents. The Complainant felt too scared and confused and even more helpless while she was at her in-laws house.

x)     The respondent No.1 and his family has taken all the valuable belonging of the Complainant. The details of which were filled before the CW Cell and the same are Annexed as Annexure \_\_\_.

y)     That the Complainant submits that the expenses of the Complainant and the sons is as follows:-

(i)                   School Fees of Son: Rs     ,000/- per month

(ii)                  Household expenses like food, clothing, cleaning etc.: Rs   ,000/- per month

(iii)                Transportation Expenses: Rs     ,000/- per month

(iv)                 Personal and medical expenses of the Complainant and her sons: Rs   ,000/- per month

The Complainant as such requires Rs  ,000/- per month to support herself and her children.

z)     The respondent No.1 is earning handsomely. The exact figures are not known to the Complainant. With the view to avoid paying maintenance and supporting the Complainant and children he is making excuses that he is not working anywhere.

aa) In \_\_\_ years, the Complainant has selflessly given in this relationship emotionally, physically, mentally, monetarily and demanded nothing but self-respect, support and love which she was deprived off. The Respondent has provided the Complainant with no financial security. The Complainant’s entire jewellery was in possession of the Respondent No.1 and his family which the Respondent No.1 and his family has refused to hand back. The Complainant has no Fixed Deposit or property in her name. This has further added to the Complainant’s insecurities, depression and frustrations.

bb)The Complainant today is left with no self-respect, no self-esteem, no confidence, no money and everything has been taken away from her. The Complainant is mentally and emotionally shattered today. The Complainant is unable to look after her child as such she has no choice but to fall on her parents for financial support. The provision for the basics needs like food, clothing, education is being provided from the money being given by the Complainant’s father and brother.

cc) The Complainant has suffered immense pain and hurt from the Respondents. The Complainant has not slept one night in peace for as long as she can remember. The Complainant is mentally, physically and emotionally scarred/drained and she is unable to carry on anymore like this.

dd)It is submitted that the Respondent No.1 is having sufficient means but despite that is neglecting and refusing to maintain the Complainant and the minor sons. Complainant is unable to maintain herself or her sons. The addresses of the sisters of the Respondent No 1 are not known to the Complainant and the Respondent No. 1 may be directed to provide the same so that they can be made a party to this petition.

ee) It is prayed that the Hon’ble Court may take cognizance of the Domestic Incident and pass the following orders, as deemed necessary in the circumstances of the present case.

(i)   Protection Order under Section 18

Prohibiting acts of domestic violence by granting an injunction against the Respondents from:

(ii)  Monetary reliefs under Section 20

(A)        Rs.    0,000/- per month towards maintenance for herself and her children

(B) Rs.   0,000/- towards litigation expenses

(iii)  Compensation order under Section 22

(a)  Direct the Respondent to pay and amount of Rs. \_\_\_\_ lakhs towards compensation for damages under the Protection of Women from Domestic Violence Act 2005.

(iv).  Interim Relief under Section 23

a)                                         In the light of the above mentioned facts and circumstances of the case and the fact that the Complainant is completely without the basic necessities of food, maintenance and shelter and has no means to survive and hence an exparte ad interim order for grant of maintenance of Rs.    0,000/- be granted in favour of the Complainant.

b)                                          The Complainant all through out her married life has been treated by the Respondents with utmost cruelty both mental and physical, and has a prime facie case in her favour. It is further stated that the Respondenst have committed numerous acts of domestic violence and is entitled to protection under the present act from the respondent by the police otherwise grave prejudice and harm would be caused to the Complainant and her minor daughter

v).  Details of previous litigation, if any

a)    A Complaint filed by Complainant before the C W Cell on which an FIR has been registered. Copy of which is annexed as Annexure\_\_\_\_.

b)    An application filed by Complainant under Section 125 of CrPC for maintenance. Copy of the same is annexed herewith as Annexure \_\_\_\_\_.

vi). The Complainant is residing within the local limit of jurisdiction of this Hon’ble Court and hence, this Hon’ble Court has the jurisdiction to entertain the present petition.

PRAYER:

It is most respectfully prayed that this Hon’ble Court may be pleased to :-

(b)           Pass all such orders or any of the order as deem fit and proper under section 18, 20, 22 & 23 of the Protection of Women from Domestic Violence Act, 2005.

(c)            Hon’ble Court may please to direct the Respondent to pay and amount of Rs. \_\_\_\_\_\_\_\_\_ lakhs towards compensation for damage u/s 22 of the Protection of Women from Domestic Violence Act 2005.

(d)           pass an exparte ad interim order under Section 23 as mentioned in Para 4 of the application.

(e)            Pass such other Order (s) as this Hon’ble Court may deem fit and proper in the facts and circumstances of the case.

COMPLAINANT

Through

\_\_\_\_\_\_\_\_\_\_\_\_

VERIFICATION:-

Verified at Delhi on          this day of          , \_\_\_\_\_\_\_\_\_\_  that the contents of the complaint are true and correct to the Complainant’s knowledge and belief to be true on the basis of legal advice received by the Complainant and the last Para is the prayer clause of the Complainant.

COMPLAINANT

**How to file objections/written statement to wife’s DV/CrPC 125/divorce etc petition**

The standard thing that needs to be done when husbands get summons from court in maintenance/DV case is to file objections.  Ok, some people may say that the judge will send the case to mediation first, but the useless drama that goes by mediation is the subject of another post later.  So here I provide very simple way how to write the objections for each statement in wife’s petition.  It is always advised to write your own and send it to advocate for taking print and filing in court.  Because even though wives are allowed to tell lies and rampant contradictions, higher standards may get applied to statements made by respondent husbands.

The standard way is like this:

Wife’s petition says:

 In the XYZ court between

Maharani DV-498A                                                 Petitioner

vs

‘Victim’-of-false-cases                                            Respondent

1. I got married on XYZ date in ABC place etc.

2. I was not given food

3. I was beaten up

4. Husband is impotent

5. I was sexually abused

6. blah blah blah

In the end, her petition says: “I should be given 50,000 p.m maintenance, legal costs, blah blah blah…”

So your objection /written statement should be like this:

1. Admitted the fact of marriage of petitioner and respondent on XYZ date in ABC place. (if the fact of marriage and date/place are true)

2. Petitioner’s allegation that “I was not given food” is denied and she is put to strict proof of the same.  Or maybe better to use third person format like: Petitioner’s allegation that she was not given food is denied and she is put to strict proof of the same.

3. Petitioner’s allegation that she was beaten up is denied and she is put to strict proof of the same.

Read my book on how to save on maintenance under CrPC 125 and DV Act.  (Kindle eBook version)  (Print Paperback version)

Download my free PDF eBook Surviving the Legal Jungle

Don't be a lone ranger... JOIN our Facebook group to connect

Read this FREE eBook written by fathers involved in child custody issues (Read Online)(PDF book)

Similarly take each para/point in petition and if something is true, you can accept that and whatever is false you can deny in same format as above.

You can also add up some of your own points, story, or allegations if you will.  Later on the same can become part of your evidence/affidavit.  This is because if wife makes even false allegations but we don’t even state the actual domestic violence at hands of wife what happened; then a presumption may arise in mind of judges that the one who makes allegations might have at least 20% truth in those allegations, but the one who simply denies but has no counter-allegations to make might be the culprit.  Don’t ask me the logic behind this, family courts are not run based on much logic anyway.  It’s a psychological game so one shouldn’t be seen to be coming under any pressure.  Or to take a logical perspective of human psychology behind it: Trying only to defend may not be the right defence.  Many lawyers will suggest in beginning to focus only on denial and defending (to steer towards C-word basically), but I tend to disagree because if the cases actually go to evidence and full trial, not having made any allegations in the objection statement may create a disconnect and a disadvantage.

In the end, state that “for the reasons mentioned above, petitioner’s petition should be dismissed with exemplary costs, in the interest of justice and equity”.

During the objections, one need not give any evidence.  But I would not be very strict about ”don’t disclose any evidence till trial” policy advocated by many.  It’s not a purely legal game, it’s also a psychological game, so if one can create some fear in opponent’s minds at the very beginning of the cases by disclosing some tactical evidence; they may feel the same fear and uncertainty that they want you to feel about what’s going to happen next.  This can be suitably followed up to make them agree to a zero or token alimony divorce.  Else they may think that you are scared OR you want to beg and bring wife back, which never works in practice anyway as explained in the main Advice to men post.

Below update on 13/04/2017:

Questions on preparing and writing WS/Objections

OP: Opposite Party (wife etc in matrimonial petitions/complaints)

1) What is the ideal way of preparing the WS: Deny all N allegations serially point-by-point with N statements. Then write your own allegations in a separate section under “Additional Plea”?

OR

Deny all N allegations and also include our own statements in between, thus maintaining a chronological order of statements?

A combination of both can be probably most practical and suitable. The reason for this is that some of your counter points and rebuttals make sense when made immediately after refuting the false allegation point made by OP to which they are strongly connected based on time/date of event etc.   This makes for a nice flow, and these counter points can later be used at arguments stage too.  Many a time the false petitions of OP contain vague allegations without proper time, dates or even chronological order.  In that scenario, you may tactically give your own version of the facts and you can put accurate time/dates also to make it look more plausible and professionally written too.  In case the OP’s petition has points given in random time order, you need not bother why they have made points jumbled up in time, but just reply to each point in OP’s petition/complaint in same order they appear.

After refuting of OP’s points above is done, you may still have your own points to make and facts to disclose about abuse/cruelty done to you, and give statements of facts which are important but conveniently hidden by OP, and maybe even to unload things off your chest and put them on paper and let the judicial process take a decision later on whose version is closer to truth.  Now you can make all these points preferably in chronological or topical order (e.g. all child related points if any could be made all together).  It’s more important that the points are all put on paper than aiming for perfection in ordering, organising of logical flow etc.  Writing to perfection can be very time consuming and probably not needed either given the OP cases are based on thin grounds.  We are not writing a fiction novel but a legal reply to a badly made OP’s petition.  What’s desirable and enough is that your WS reply should make for a logical reading and an unfolding story.

2) While denying the allegations, it is advisable to:
Just deny generally like “allegation that she was not given food is denied and she is put to strict proof of the same”

OR

Add your own way of proving the allegation false like “allegation that she was not given is denied because she was on holiday/office/xyz place and it’s not possible to have not given her food”

Strictly speaking a denial may be enough and that’s what most lawyers also suggest.  The only problem I have seen with this deny-only-because-I-am-innocent-anyway approach is that matrimonial cases are fought based mainly on allegations and very little substance by way of documents, recordings, messages etc.  Interim orders are given routinely based on so called ‘force’ of allegations made by wives.  That is how the situation has come about that it has become more about how to survive and play in a drama.  But the main advantage of giving arguments and pointing out contradictions and inconsistencies within OP’s petition/complaint is that it tends to put the OP/advocate on backfoot since for too long the wife’s side and advocates have been acting like they are ‘players’ with an exaggerated sense of entitlement and overconfident attitude in courts.  A strongly worded and logically explained WS immediately punctures their confidence by 50% at least, and mostly it is being seen that they are actually even reluctant to come for evidence stage after that.

Another very important thing that is being seen is that after filing a strong WS, many judges are asking for complainant to move to evidence stage directly without considering her interim application for maintenance etc.  That is a huge win since it means now they can get relief only after full judicial trial of evidence, cross-exam etc, which the OP side are most reluctant to engage in since their goal usually is not to get quick trial and justice for their allegations but to get interim maintenance and then sit and relax.
3) Is it required or advisable to include any precedence/judgement regarding maintenance/costs/alimony/support in the case where wife is working/educated/able to work?

Though citing judgments is normally done while doing arguments on interim applications or for final arguments on main petition/complaint, putting a few citations may not harm.  But it should not be carried to an extreme.  Many people think that just collecting judgments and citations will help their cause but if the judgment is not matching facts of your case closely, it may only distract from the overall case and arguments.

4) Can we request dismissal of petition based on jurisdiction too apart from the other statements and allegations?

A case cannot be filed normally if jurisdiction does not exist in that court.  This a basic point of law but somehow the adhering to basic points of law has been pushed under the carpet in favour of accepting any case which is submitted to a court, and let the proceedings begin.  Although many lawyers suggest to file objections and raise jurisdictional simultaneously as a point, somehow it seems totally against common legal sense.  If you start giving point by point reply to whole petition/complaint of OP then in a way you are admitting that the petition/complaint is valid.  An alternative approach can be to be ready with written objections but at first make submissions and argue for case dismissal itself since it is not maintainable due to jurisdiction.  If that submission is overruled, then you can file WS on next date itself.

**Format of Affidavit under Section 23(2) to be attached with Application under Section 12 of the Protection of Women from Domestic Violence Act, 2005,**

As per Section 23 (2) If the Magistrate is satisfied that an application prima facie discloses that the respondent is committing, or has committed an act of domestic violence or that there is a likelihood that the respondent may commit an act of domestic violence, he may grant an ex parte order on the basis of the affidavit in such form, as may be prescribed, of the aggrieved person under section 18, section 19, section 20, section 21 or, as the case may be, section 22 against the respondent.

Sample format of Affidavit to be filed under Section 23(2) along with Application under Section 12 of The Protection of Women from Domestic Violence Act, 2005 is given below:

IN THE COURT OF JUDICIAL MAGISTRATE AT \_\_\_\_\_\_\_\_\_

CASE NO. \_\_\_\_\_\_\_\_\_\_ OF 20\_\_

IN THE MATTER OF:

MRS. W\_\_\_\_\_\_\_\_\_                                                            COMPLAINANT

VERSUS

MR. H \_\_\_\_\_\_\_\_\_\_                                                           RESPONDENT

Police Station : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

AFFIDAVIT

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Wife of Mr. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Resident of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, D/o Mr. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ R/o\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ presently residing at\_\_\_\_\_\_\_\_\_\_\_\_ do solemnly affirm and declare on oath as under:

1. That I am the Applicant in the accompanying Application for \_\_\_\_\_\_\_\_\_\_\_\_ filed for myself and for my daughter / son.

2. That I am the Natural guardian of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

3. That being conversant with the facts and circumstances of the case I am competent to swear this Affidavit.

4. That the Deponent had been living with the Respondent at \_\_\_\_\_\_\_\_\_ since \_\_\_\_\_\_ to \_\_\_\_\_\_\_\_

5. That the details provided in the present Application for the grant of relief under Section (s) \_\_\_\_\_\_\_\_\_ have been entered into by the Deponent / at my instructions.

6. That the contents of the said application have been read over, explained to me in English/ Hindi / any other local language (Please specify \_\_\_\_\_\_\_\_\_\_\_\_\_\_)

7. That the contents of the said application may be read as part of this affidavit and are not being repeated herein for the sake of brevity.

8. That the Applicant apprehends repetition of the acts of domestic violence by the Respondent (s) against which relief is sought in the accompanying application.

9. That the Respondent has threatened the applicant that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

10. That the relief claimed in the accompanying application are urgent in as much as the applicant would face great financial hardship and would be forced to live under threat of repetition / escalation of acts of domestic violence complained of in the accompanying application by the Respondent (s) if the said reliefs are not granted on the ex parte ad interim basis.

11. That the facts mentioned herein are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

DEPONENT

VERIFICATION

Verified at \_\_\_\_\_\_\_\_\_\_\_\_ (Place) on this\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_ that the contents of Paras 1 to 12 of the above application are true and correct to the best of my knowledge and belief nothing in Material has been concealed therefrom.

DEPONENT

Note

The above affidavit should be attached with Application under Section 12 of The Protection of Women from Domestic Violence Act, 2005.

**Protection of Women from Domestic Violence Act,**

**Code of Criminal Procedure, Section 125**

**Format of Petition under Section 127(1) of Criminal Procedure code for modification of order passed under Section 125 of Code of Criminal Procedure,**

IN THE COURT OF PRINCIPAL FAMILY JUDGE AT \_\_\_\_\_\_\_\_\_

CASE NO. \_\_\_\_\_\_\_\_\_\_ OF 20\_\_

IN THE MATTER OF:

MR. H\_\_\_\_\_\_\_\_\_                                                                APPLICANT

VERSUS

MRS. W \_\_\_\_\_\_\_\_\_\_                                                           RESPONDENT

APPLICATION UNDER SECTION 127(1) FOR MODIFYING / SETTING ASIDE THE ORDER DATED \_\_\_\_\_\_\_\_\_\_\_\_\_

MOST RESPECTFULLY SHOWETH:

The Applicant, above named submits as under:

1. That the Applicant is Husband of the Respondent.

2. That marriage of the Petitioner was solemnized with Respondent on \_\_\_\_\_\_\_\_\_\_ at \_\_\_\_\_\_\_\_\_\_\_\_ according to Hindu rites and ceremonies. The marriage was registered with the Registrar of marriages at \_\_\_\_\_\_\_\_\_\_\_.

2. That the and the Respondent have been living separately since \_\_\_\_\_\_\_\_\_\_\_.

3. That the Respondent had filed Case No\_\_\_\_\_\_\_\_\_\_ of 20\_\_\_ under Section 125 CrPC in the Court of \_\_\_\_\_\_\_\_\_\_\_\_\_\_.

4. That the Hon'ble Court was pleased to grant an interim maintenance of Rs. \_\_\_\_\_\_\_\_\_\_ vide order dated \_\_\_\_\_\_\_\_\_\_ in favour of Respondent in the effect of monthly maintenance. Copy of order dated \_\_\_\_ passed by the Hon'ble Court of \_\_\_\_\_\_ attached herewith and marked as Annexure P1.

5. That the Applicant has been paying the interim maintenance to the Respondent and has been abiding with order of this court.

6. That the Applicant submits that with the reference arrears, the sum has been paid in 4 installments. Proof for payment of arrears is attached herewith and marked as Annexure P2.

7. That the Applicant has a pre-existing liability of Home Loan from (\_\_\_\_\_\_Bank) for a contingent property in (CNB\_\_\_\_\_\_\_ Address), prior to the marriage. Copy of the loan installment schedule is attached herewith and marked as Annexure P2.

8. That the Applicant now has lost job and is searching for a suitable job for lost 3 months. That petitioner is under deep mental and financial stress due to this sudden and unfortunate turn of events.

9. That the material change in circumstances has occurred which give the justification and ground for filing the present application and in these circumstances, principle of natural justice, equity, good conscience, fair trial and fair play in action demand that the material facts should be considered and appreciated while adjudicating upon the application for interim maintenance u/s 125(3) of CrPC to meet the end of justice and the order dated \_\_\_\_\_\_\_\_\_ may be varied, modified and reversed.

10. That the respondent has got a job with \_\_\_\_\_\_\_ as \_\_\_\_\_\_\_\_\_\_3 months back and she is getting a salary of Rs. \_\_\_\_\_\_\_\_\_\_. Proof of employment of Respondent is attached herewith and marked as Annexure P2.

11. That the Applicant is finding it extremely difficult to make both his ends meet since he now has huge burden of liability which needs to remitted to the financial institutions and also to the respondent and it is a double burden for him, apart from managing his own financial liability.

12. That the Applicant submits that he is ready to pay the amount of maintenance as would be calculated and decided as a result of the arguments for interim maintenance and craves a stay on the interim order which was passed in favor of the respondent.

13. That the payment of interim maintenance would lead the petitioner to face grave injustice and financial hardships since he would be under a double burden to pay to the financial institutions and to the respondent.

14. That the continuation of order dated \_\_\_\_\_ may cause grave prejudice to the interest of petitioner.

15. In the facts and circumstances of case mentioned herein above this Hon'ble Court may graciously be pleased to:

P R A Y E R

That the Petitioner, therefore, prays:

a) this Hon'ble court may be pleased to varied, modify, quash and set aside the order dated \_\_\_\_\_ and stay the operation of the order dated \_\_\_\_\_\_ till the final disposal of the application on merits.; and

b) Any other relief or reliefs which the court may deem proper under the circumstances be also awarded to the petitioner.

APPLICANT

THROUGH

\_\_\_\_\_\_\_\_\_\_\_\_\_\_., Advocate

Place :

Date :

VERIFICATION

I, H, the Applicant, state on solemn affirmation that whatever contained in paragraphs \_\_\_\_ to Para No \_\_\_\_\_\_\_\_\_\_ of the Petition is true to my own knowledge and that whatever contained in paragraphs No \_\_\_\_\_ to Para No \_\_\_\_\_\_\_\_ is based on information received and believed to be true to me.

Signed and verified this \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_ 20 \_\_\_\_\_\_\_ at \_\_\_\_\_\_\_

PETITIONER

**Format of affidavit to be filed in Support of Application under Section 127(1) of CrPC**

IN THE COURT OF PRINCIPAL FAMILY JUDGE AT \_\_\_\_\_\_\_\_\_

CASE NO. \_\_\_\_\_\_\_\_\_\_ OF 20\_\_

IN THE MATTER OF:

MR. H\_\_\_\_\_\_\_\_\_                                                                PETITIONER

VERSUS

MRS. W \_\_\_\_\_\_\_\_\_\_                                                           RESPONDENT

AFFIDAVIT

I, Mr. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ aged \_\_\_\_\_\_\_\_\_ years, Occupation \_\_\_\_\_\_\_ the Petitioner do solemnly affirm and say as follows:

1. That I am the Applicant in the accompanying Application under Section 127(1) of CrPC and well acquainted with the facts of the case.

2. That I have gone through the contents of the accompanying Application, I reaffirm the contents of the Petition, which are not being repeated here, for the sake of brevity.

3. That the Applicant now has lost job and is searching for a suitable job for lost 3 months. That petitioner is under deep mental and financial stress due to this sudden and unfortunate turn of events.

4. That the respondent has got a job with \_\_\_\_\_\_\_ as \_\_\_\_\_\_\_\_\_\_3 months back and she is getting a salary of Rs. \_\_\_\_\_\_\_\_\_\_.

Signed at \_\_\_\_\_\_\_\_\_\_\_ this \_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_20\_\_

DEPONENT

VERIFICATION

I, \_\_\_\_\_\_\_\_\_\_ the above named deponent do hereby verify on oath that the contents of the affidavit above are true to my personal knowledge and nothing material has been concealed or falsely stated therein.

Signed and verified this \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_ 20 \_\_\_\_\_\_\_ at \_\_\_\_\_\_\_

DEPONENT

**Application under Section 12 of The Protection of Women from Domestic Violence Act, 2005, format to file with the Magistrate.**

APPLICATION UNDER THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005

IN THE MATTER OF:

MRS. W\_\_\_\_\_\_\_\_\_                                                            COMPLAINANT

VERSUS

MR. H \_\_\_\_\_\_\_\_\_\_                                                           RESPONDENT

Police Station : \_

MOST RESPECTFULLY SHOWETH:

The Applicant submits as under:

That the Petitioner No. 1 is legally wedded wife of the Respondent.

1. That the Application under Section \_\_\_\_\_\_\_\_\_ of Protection of Women from Domestic Violence Act, 2005 is being filed along with copy of Domestic Violence Report by the -

(a) Aggrieve Person       \_\_\_\_

(b) Protection Officer    \_\_\_\_\_

(c) Any other person on behalf of aggrieved person \_\_\_

(tick whichever is applicable)

2. It is prayed that the Hon'ble Court may take cognizance of the Complaint / Domestic incident Report and pass all / any of the orders, as deemed necessary in the circumstances of the case:

(a) Pass protection orders under section 18 and / or

(b) Pass residency order under section 19 and / or

(c) Direct the respondent to pay monetary relief under section 20 and / or

(d) Pass orders under section 21 of the Act and/ or

(e) Pass such interim orders as the court deems just and proper and / or

(g) Pass orders as deems fit in the circumstances of the case.

3. Orders Required

(i) Protection Orders Under Section 18:

[] Prohibiting acts of domestic violence by granting an injunction against the Respondent/s from repeating any of the acts mentioned in terms of column 4(a)/(b) /(c)/ (d)/ (e)/ (f)/ (g) of the Application.

[] Prohibiting Respondent9s) from entering the school/ college/ workplace

[] Prohibiting from stopping the applicant from going to my place of employment

[] Prohibiting Respondent (s) from entering the school / college / any other place of Children of the Applicant.

[] Prohibiting from stopping the applicant from going to my school

[] Prohibiting any form of communication by the Respondent with the Applicant

[] Prohibiting alienation of Assets by the Respondent

[] Prohibiting operation of joint bank lockers/ accounts by the Respondent and allowing the aggrieved person to operate the same.

[] Directing the Respondent to stay away from the dependants/ relative/ any other person of the aggrieved person to prohibit violence against them

[] Any other Conditions, Please specify \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(ii) Residence Order Under Section 19

An order restraining Respondent (s) from

[] Dispossessing or throwing out the applicant from the shared household

[] Entering that portion of the shared household in which the applicant resides

[] Alienating/disposing/encumbering the shared household

[] Renouncing his rights in the shared household

[] An order entitling the Applicant continued access to personal effects of the Applicant.

[] An order directing Respondent (s) to

[] Remove himself from the shared household

[] Secure same level of alternate accommodation or pay rent for the same

[] Any other orders, Please Specify \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(iii) Monetary Relief under section 20

[]Loss of earnings, amount claimed

[] Medical expenses, amount claimed

[] Loss due to destruction / damage or removal of property from the control of the Aggrieved person, amount claimed \_\_\_\_\_\_

[] Any other Loss or physical or mental injury as specified in clause 10 (d), amount claimed \_\_\_\_\_\_

[] Total Amount Claimed \_\_\_\_\_\_\_

[] Any other amount, Please Specify \_\_\_\_\_\_\_\_\_\_\_\_\_

(iv) Monitory Relief under Section 20

[] Directing the Respondent to pay the following expenses as monetary relief

[] Food, Clothes, Medications and other basic amenities \_\_\_Amount \_\_\_ per Month

[] School fees and related expenses \_\_\_\_\_ Amount \_\_\_\_ per month

[] Household Expenses \_\_\_\_\_ Amount \_\_\_\_\_ per Month

[] Any other Expenses \_\_\_\_ Amount \_\_\_\_\_ per month

[] Any other orders, please specify \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(v) Custody order under Section 21

Direct the Respondent to hand over the custody of the child or children to the:

[] Aggrieved person- Applicant

[] Any other person on her behalf, details of such person \_\_\_\_\_\_\_\_

(vi) Compensation order under Section 22

(vii) Any other order, Please specify \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

4. Details of Previous litigation, if any

(a) Under Indian Penal Code, Sections \_\_\_\_\_ Pending in the Court of \_\_\_\_\_\_\_

      Disposed off, Details of Relief \_\_\_\_\_\_\_\_\_\_\_

(b)  Under Code of Criminal Procedure, Sections \_\_\_\_\_\_ Pending in the Court of \_\_\_

      Disposed off, Details of Relief \_\_\_\_\_\_\_\_\_\_\_

(c)  Under Hindu marriage Act, 1955, Sections \_\_\_\_ Pending in the Court of \_\_\_\_\_

      Disposed off, Details of Relief \_\_\_\_\_\_\_\_\_\_\_

(d) Under the Hindu Hindu Adoptions and Maintenance Act, 1956, Sections \_\_\_ Pending in the Court of \_\_\_\_

      Disposed off, Details of Relief \_\_\_\_\_\_\_\_\_\_\_

(e) Application for Maintenance, under section \_\_\_\_ Under \_\_\_\_\_Act

      Interim Maintenance Rs. \_\_\_\_\_\_\_\_ P.M.

      Maintenance Granted Rs. \_\_\_\_\_\_\_\_ P.M.

(f) Whether Respondent was sent to Judicial Custody

     - For Less than a Week

     - For Less than a month

     - For More than one month

     Specify Period \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(g) Any other Order \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

P R A Y E R

It is, therefore, most respectfully prayed that this Hon'ble Court be pleased to grant the relief (s) claimed therein and pass such order or orders other order as this Hon'ble Court may deem fit and proper under the give facts and circumstances of the case for protecting the aggrieved person, the Applicant from Domestic Violence and in the interest of Justice.

Place:

Date:

COMPLAINANT / AGGRIEVED PERSON THROUGH COUNSEL VERIFICATION

Verified at \_\_\_\_\_\_\_\_\_\_\_\_ (Place) on this day of \_\_\_\_\_\_\_\_\_\_\_ that the contents of Paras 1 to 12 of the above application are true and correct to the best of my knowledge and nothing in Material has been concealed therefrom.

DEPONENT

Note

Application under Section 12 of Domestic Violence Act for protection must be supported with the following Documents.

1. Affidavit of the Applicant

2. Copy of Marriage Certificate

3. Details of cases pending if any between the parties

4. Copy of order for interim or final maintenance order, if applicable

5. Copy of complaint given to police if any

IN THE COURT OF JUDICIAL MAGISTRATE AT \_\_\_\_\_\_\_\_\_

CASE NO. \_\_\_\_\_\_\_\_\_\_ OF 20\_\_

IN THE MATTER OF:

MRS. W\_\_\_\_\_\_\_\_\_                                                            APPLICANT

VERSUS

MR. H \_\_\_\_\_\_\_\_\_\_                                                           RESPONDENT

APPLICATION UNDER THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005

MOST RESPECTFULLY SHOWETH:

The Applicant submits as under:

1. That the Petitioner No. 1 is legally wedded wife of the Respondent.

2. That the Application under Section \_\_\_\_\_\_\_\_\_ of Protection of Women from Domestic Violence Act, 2005 is being filed along with copy of Domestic Violence Report by the -

(a) Aggrieve Person       \_\_\_\_

(b) Protection Officer    \_\_\_\_\_

(c) Any other person on behalf of aggrieved person \_\_\_

(tick whichever is applicable)

2. It is prayed that the Hon'ble Court may take cognizance of the Complaint / Domestic incident Report and pass all / any of the orders, as deemed necessary in the circumstances of the case:

(a) Pass protection orders under section 18 and / or

(b) Pass residency order under section 19 and / or

(c) Direct the respondent to pay monetary relief under section 20 and / or

(d) Pass orders under section 21 of the Act and/ or

(e) Pass such interim orders as the court deems just and proper and / or

(g) Pass orders as deems fit in the circumstances of the case.

3. Orders Required

(i) Protection Orders Under Section 18:

Prohibiting acts of domestic violence by granting an injunction against the Respondent/s from repeating any of the acts mentioned in terms of column 4(a)/(b) /(c)/ (d)/ (e)/ (f)/ (g) of the Application.

Prohibiting Respondent9s) from entering the school/ college/ workplace

Prohibiting from stopping the applicant from going to my place of employment

Prohibiting Respondent (s) from entering the school / college / any other place of Children of the Applicant.

Prohibiting from stopping the applicant from going to my school

Prohibiting any form of communication by the Respondent with the Applicant

Prohibiting alienation of Assets by the Respondent

Prohibiting operation of joint bank lockers/ accounts by the Respondent and allowing the aggrieved person to operate the same.

Directing the Respondent to stay away from the dependants/ relative/ any other person of the aggrieved person to prohibit violence against them

Any other Conditions, Please specify \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(ii) Residence Order Under Section 19

An order restraining Respondent (s) from

Dispossessing or throwing out the applicant from the shared household

Entering that portion of the shared household in which the applicant resides

Alienating/disposing/encumbering the shared household

Renouncing his rights in the shared household

An order entitling the Applicant continued access to personal effects of the Applicant.

An order directing Respondent (s) to

Remove himself from the shared household

Secure same level of alternate accommodation or pay rent for the same

Any other orders, Please Specify \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(iii) Monetary Relief under section 20

Loss of earnings, amount claimed

Medical expenses, amount claimed

Loss due to destruction / damage or removal of property from the control of the Aggrieved person, amount claimed \_\_\_\_\_\_

Any other Loss or physical or mental injury as specified in clause 10 (d), amount claimed \_\_\_\_\_\_

Total Amount Claimed \_\_\_\_\_\_\_

Any other amount, Please Specify \_\_\_\_\_\_\_\_\_\_\_\_\_

(iv) Monitory Relief under Section 20

Directing the Respondent to pay the following expenses as monetary relief

Food, Clothes, Medications and other basic amenities \_\_\_Amount \_\_\_ per Month

School fees and related expenses \_\_\_\_\_ Amount \_\_\_\_ per month

Household Expenses \_\_\_\_\_ Amount \_\_\_\_\_ per Month

Any other Expenses \_\_\_\_ Amount \_\_\_\_\_ per month

Any other orders, please specify \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(v) Custody order under Section 21

Direct the Respondent to hand over the custody of the child or children to the:

Aggrieved person- Applicant

Any other person on her behalf, details of such person \_\_\_\_\_\_\_\_

(vi) Compensation order under Section 22

(vii) Any other order, Please specify \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

4. Details of Previous litigation, if any

(a) Under Indian Penal Code, Sections \_\_\_\_\_ Pending in the Court of \_\_\_\_\_\_\_

      Disposed off, Details of Relief \_\_\_\_\_\_\_\_\_\_\_

(b)  Under Code of Criminal Procedure, Sections \_\_\_\_\_\_ Pending in the Court of \_\_\_

      Disposed off, Details of Relief \_\_\_\_\_\_\_\_\_\_\_

(c)  Under Hindu marriage Act, 1955, Sections \_\_\_\_ Pending in the Court of \_\_\_\_\_

      Disposed off, Details of Relief \_\_\_\_\_\_\_\_\_\_\_

(d) Under the Hindu Hindu Adoptions and Maintenance Act, 1956, Sections \_\_\_ Pending in the Court of \_\_\_\_

      Disposed off, Details of Relief \_\_\_\_\_\_\_\_\_\_\_

(e) Application for Maintenance, under section \_\_\_\_ Under \_\_\_\_\_Act

      Interim Maintenance Rs. \_\_\_\_\_\_\_\_ P.M.

      Maintenance Granted Rs. \_\_\_\_\_\_\_\_ P.M.

(f) Whether Respondent was sent to Judicial Custody

     - For Less than a Week

     - For Less than a month

     - For More than one month

     Specify Period \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(g) Any other Order \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

P R A Y E R

It is, therefore, most respectfully prayed that this Hon'ble Court be pleased to grant the relief (s) claimed therein and pass such order or orders other order as this Hon'ble Court may deem fit and proper under the give facts and circumstances of the case for protecting the aggrieved person, the Applicant from Domestic Violence and in the interest of Justice.

Place:

Date:

COMPLAINANT / AGGRIEVED PERSON THROUGH COUNSEL VERIFICATION

Verified at \_\_\_\_\_\_\_\_\_\_\_\_ (Place) on this day of \_\_\_\_\_\_\_\_\_\_\_ that the contents of Paras 1 to 12 of the above application are true and correct to the best of my knowledge and nothing in Material has been concealed therefrom.

DEPONENT

Written submission format for Domestic Violence Complaint under Section 12 claiming Relief under Section 18, 19, 20, 21 and 22 of The Protection of Women from Domestic Violence Act, 2005.

Format of Written Submission to Complaint under Section 12 of Domestic Violence Act claiming relief under section 18, 19, 20, 21 and 22 of the Act, download format.

IN THE COURT OF \_\_\_\_\_\_\_\_\_\_\_\_\_, LEARNED METROPOLITAN MAGISTRATE, MAHILA COURT, \_\_\_\_\_\_\_\_\_\_ COURTS, NEW DELHI

COMPLAINT CASE NO. \_\_\_\_ OF 20\_\_

IN THE MATTER OF :
\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COMPLAINANT
VERSUS
\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ RESPONDENT

**WRITTEN ARGUMENT ON BEHALF OF THE COMPLAINANT IN APPLICATION U/S 12 R/W SECTION 17, 18, 19, 20, 22 OF PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005 FOR GRANT OF RIGHT TO CONTINUE RESIDING IN THE MATRIMONIAL HOUSE WITHOUT INTERFERENCE AND THREAT, PROTECTION ORDERS, MONETARY RELIEF, COMPENSATION AND ANY OTHER RELIEF WHICH THIS HON'BLE COURT MAY DEEM FIT AND PROPER.

MOST RESPECTFULLY SHOWETH:**

1. That the above noted complaint is pending adjudication before this Hon'ble Court and is fixed for hearing on \_\_\_\_\_\_\_\_\_\_\_\_.

2. That the summons of the complaint has already been issued to the defendants and the defendants have also put in appearance in the matter.

3. That the Defendant has filed his reply to the complainant and the Complainant has filed rejoinder to it on \_\_\_\_\_\_.

4. That the Complainant has filed affidavit showing income and expenditure as per the format prescribed by the Hon'ble High Court of Delhi in Kusum Sharma Vs. Mahinder Kumar Sharma on \_\_\_\_\_\_\_.

5. That the Defendant has also filed his affidavit showing income and expenditure on \_\_\_\_\_\_\_\_\_\_, but not filed copy of Latest Income Tax Return i.e. for Financial Year \_\_\_\_\_\_\_\_\_\_).

6. The Complainant most respectfully submit the following written arguments in support of contentions, submissions and facts already placed and submitted on the records and the oral arguments so adduced.

7. That the Complainant got married to the Respondent on \_\_\_\_\_\_\_\_\_\_\_\_ in accordance with Hindu rites and ceremonies at \_\_\_\_\_. No issue was born from this wedlock.

8. That the Respondent is working as Manager with \_\_\_\_\_\_\_\_\_\_\_ India Ltd at \_\_\_\_\_\_\_\_\_\_. The Complainant came to live in the matrimonial home at New Delhi with the Respondent after Marriage.

9. The father of the Complainant had given Rs. \_\_\_\_\_\_ in Tilak to the Respondent. In addition to this, an \_\_ car was given. The marriage was a lavish affair. Lots of gifts, jewellery etc was given by her father who is a retired school teacher and had to sell some property, borrow from others and exhaust all his savings to arrange the marriage of the complainant.

10. That the respondent husband, his father and sister were not happy with the Dowry and other gifts. They have showed their annoyance soon after marriage.

11. The Respondent started tormenting her almost immediately after marriage. He used to poke and provoke her and instigated her to react to his misdemeanor and later record the same on his mobile phone.

12. That as per the affidavit the Respondent is earning Gross income of Rs. \_\_\_\_\_\_\_\_\_/- per year. The Respondent not yet produced his income tax Return for the Financial Year \_\_\_\_\_ to ascertain his current income. Even though the Respondent is earning huge salary the complainant had to starve for money even for her basic needs. Her father used to help her by sending money even for the daily necessaries.

13. That the Complainant had no history of illness of any kind before marriage. The Respondent/husband by his cruel and atrocious behavior, assisted by his sister tormented her so much that she went into depression.

14. That the complainant was the target of unprovoked physical and mental abuse by the Respondent. The father in law of the complainant had also created very embarrassing and inexplicable situations at times.

15. That the respondent constantly made indecent and vulgar comments about the sister of the complainant, who still leaves with her as she has not come out of depression completely and the doctor advised that she should not be left alone.

16. That the Respondent has denied conjugal relations to the Complainant. He says that the complainant does not meet his level of liking. The respondent picks up quarrels on the flimsiest of excuses.

17. That on \_\_\_\_\_\_\_, the respondent / husband picked up a quarrel and started slapping the complainant. He pulled her by hair and kicked her in the abdomen. She somehow called PCR and a DD entry was registered at \_\_\_\_\_\_\_\_\_\_\_ Police Station.

18. That in \_\_\_\_\_\_\_\_, the respondent and his sister came together in the night and thrashed the complainant in black and blue alleging falsely that she blamed him of incest.

19. That the respondent, in order to avoid his own liability has filed a petition u/s 13(1)(ia) of Hindu Marriage Act against the complainant wherein he made all kinds of baseless allegations against her.

20. That the above said petition was withdrawn when the parties entered into a settlement agreement dated \_\_\_\_\_\_\_ in HMA Suit No. \_\_\_\_ titled "\_\_\_\_\_\_\_\_\_\_\_", which was to be executed on \_\_\_\_\_\_\_, but it was never executed. In fact the Complainants lawyers had prepared a mutual consent divorce petition as per the agreement and handed over to the Respondent for his signatures. The Respondent kept the petition for few months in his custody and returned back it to the complainant without his signature.

21. That the Complainant has already submitted before this Hon'ble Court in her rejoinder that even now she is ready to settle the issue as per the settle agreement dated \_\_\_\_\_\_\_\_\_\_\_\_\_, under the supervision of this Hon'ble Court, if the Respondent is ready to execute the terms of the agreement.

22. That the Respondent has not disclosed full information about his educational qualification in the affidavit filed by him showing income and expenditure as per the format prescribed by the Hon'ble High Court of Delhi in Kusum Sharma Vs. Mahinder Kumar Sharma.

23. That the Respondent has shown huge amount of expenses i.e. Rs. \_\_\_\_\_\_\_\_/- per month against his net income of Rs. \_\_\_\_\_\_\_\_/- to avoid his liability to pay maintenance, medical expenses, compensation and other claims to the Complainant.

24. That the Respondent is giving only Rs. \_\_\_\_\_/- to Rs. \_\_\_\_\_/- per week to the Complainant for household expenses from which the expenses of Respondent also is being managed. The other expenses being born by the Respondent is rent of Rs. \_\_\_\_\_\_/- per month.

25. That the Respondent has claimed huge amount of monthly expenses in his affidavit, but he is not spending any amount except mentioned about for the maintenance or expenses of the Complainant.

26. That the Affidavit filed by the Respondent shows his lavish life style. The Complainant also deserves to live her life according to the life standard of the Respondent. So the amount of maintenance and other claim made in the petition is justifiable.

27. That the Complainant is totally dependent on her parents for her daily needs of life and she has none to support, except the complainant/wife.

28. That the cause of action for filing the present petition arose immediately after marriage and continued thereafter because there was not even a single day without an act of emotional or physical violence. It arose on \_\_\_\_\_\_\_ when a DD entry was registered at PS \_\_\_\_\_\_\_ pursuant to a PCR call made by the complainant. Again on \_\_\_\_\_\_\_, when the respondent and his sister came together, beat her up and in sheer anger the respondent husband broke a few things give vent to his anger. The cause of action still persists because the cruelties have not ceased and continue unabated.

29. That the complaint is residing at Delhi within the territorial limits of the Court, hence the Ld. Court has the Jurisdiction to try and adjudicate this petition.

30. That many Judgments of the Hon'ble Supreme Court of India support the prayer of the Complainant.

31. That in V.D. Bhanot v. Savita Bhanot (2012) 3 SCC 183 the Hon'ble Apex Court upheld the maintenance allowed to the Respondent and directed to provide a sum of Rs. 10,000/- per month towards rental charges for acquiring accommodation of her choice. The Hon'ble Supreme Court held that:

"11. Accordingly, in terms of Section 19 of the PWD Act, 2005, we direct the Petitioner to provide a suitable portion of his residence to the Respondent for her residence, together with all necessary amenities to make such residential premises properly habitable for the Respondent, within 29th February, 2012. The said portion of the premises will be properly furnished according to the choice of the Respondent to enable her to live in dignity in the shared household. Consequently, the sum of Rs.10,000/- directed to be paid to the Respondent for obtaining alternative accommodation in the event the Petitioner was reluctant to live in the same house with the Respondent, shall stand reduced from Rs.10,000/- to Rs.4,000/-, which will be paid to the Respondent in addition to the sum of Rs.6,000/- directed to be paid to her towards her maintenance. In other words, in addition to providing the residential accommodation to the Respondent, the Petitioner shall also pay a total sum of Rs.10,000/- per month to the Respondent towards her maintenance and day-to-day expenses."

Copy of the Judgment of Supreme Court of India in V.D. Bhanot v. Savita Bhanot is annexed as Annexure WA-1

32. That in Saraswathy v. Babu (2014) 3 SCC 712 the Hon'ble Apex Court directed to pay compensation and damages to the extent of Rs.5,00,000/- in favour of the appellant-wife. The Hon'ble Supreme Court held that:

"15. We are of the view that the act of the respondent-husband squarely comes within the ambit of Section 3 of the PWD Act, 2005, which defines "domestic violence" in wide term. The High Court made an apparent error in holding that the conduct of the parties prior to the coming into force PWD Act, 2005 cannot be taken into consideration while passing an order. This is a case where the respondent-husband has not complied with the order and direction passed by the Trial Court and the Appellate Court. He also misleads the Court by giving wrong statement before the High Court in the contempt petition filed by the appellant-wife. The appellant-wife having being harassed since 2000 is entitled for protection orders and residence orders under Section 18 and 19 of the PWD, Act, 2005 along with the maintenance as allowed by the Trial Court under Section 20 (d) of the PWD, Act, 2005. Apart from these reliefs, she is also entitled for compensation and damages for the injuries, including mental torture and emotional distress, caused by the acts of domestic violence committed by the respondent-husband. Therefore, in addition to the reliefs granted by the courts below, we are of the view that the appellant-wife should be compensated by the respondent-husband. Hence, the respondent is hereby directed to pay compensation and damages to the extent of Rs.5,00,000/- in favour of the appellant-wife.

16. The order passed by the High Court is set aside with a direction to the respondent-husband to comply with the orders and directions passed by the courts below with regard to residence and maintenance within three months. The respondent-husband is further directed to pay a sum of Rs.5,00,000/- in favour of the appellant-wife within six months from the date of this order. The appeal is allowed with aforesaid observations and directions. However, there shall be no separate order as to costs."

Copy of the Judgment of Supreme Court of India in Saraswathy v. Babu is annexed as Annexure WA-2

33. That in Smt. Rashmi Kumar vs Mahesh Kumar Bhada (1997) 2 SCC 397 the Hon'ble Apex Court held that the properties gifted to the wife before the marriage, at the time of marriage or at the time of giving farewell or thereafter are her stridhana properties. The Hon'ble Supreme Court held that:

"It is thus clear that the properties gifted to her before the marriage, at the time of marriage or at the time of giving farewell or thereafter are her stridhana properties. It is her absolute property with all rights to dispose at her own pleasure. He has no control over her stridhana property. Husband may use it during the time of his distress but nonetheless he has a moral obligation to restore the same or its value to his wife. Therefore, stridhana property does not become a joint property of the wife and the husband and the husband has no title or independent dominion over the property as owner thereof."

Copy of the Judgment of Supreme Court of India in Smt. Rashmi Kumar vs Mahesh Kumar Bhada is annexed as Annexure WA-3

34. That the Complainant requests the Hon'ble Court to permit and allow the Complainant to submit the present Written Arguments on record of matter in the interest of justice.

The Complainant prays that she may kindly be provided the following relief under the said Act.

1 Relief
a) Under the said Act, the complainant may be given protection, residence, the possession of her stridhan, jewelry and clothes etc.

b) To stop further acts of domestic violence on her by the respondent.

c) To allow her to live in the flat and to restrain the respondent from disposing her or threatening her directly and through his friends with physical harm.

2. Protection Orders

The Complainant may kindly be granted protection and prohibit the respondents from:

a. Committing any act of domestic violence.

b. Aiding and abetting in the commission of acts of violence.

c. Attempting to communicate in any form, whatever, with the complainant, oral or written or electronic or telephonic contact, just to torture or torment her.

d. Alienating any assets, including her stridhan, jewellery or any other property.

e. Causing violence to relatives or any person who give the complainant assistance from the domestic violence.

f. Committing any other act as specified in the protection order.

3. Residence Orders
The complainant humbly prays for pass a residence order:

a) Restraining the respondent or any of his relatives from entering any portion of the household in which the complainant resides.

4. Monitory Relief

The complainant humbly prays for passing an order as under:

a. The medical expenses wherever necessary for the complainant.

b. The maintenance of complainant considering the fact that the respondent has no other liability except the complainant, she should be given a maintenance allowance of Rs. \_\_\_\_\_ /- per month, considering the fact that the respondent earns gross salary of Rs. \_\_\_\_\_\_ /- per month.

5. Compensation Orders

The complainant prays in addition to other relief as may be granted under this Act, to pay Rs. \_\_\_\_\_\_ /- and damages for injuries including mental torture, depression and emotional distress caused by the Acts of Deomstic Violence committed by the Respondent and the litigation expenses.

PRAYER
In the light of the submissions made above the complainant most humbly prays for the following reliefs:

(a) Right to reside in the shared household U/s 17 of the said Act.

(b) Protection orders U/s 18 of the Act.

(c) Residence order U/s 19 of the Act in the flat.

(d) Monetary reliefs U/s 20 of the Act.

(e) Compensation order U/s 22 of the Act.

Any other relief which this Hon'ble Court may deem fit in the eyes of law and in the interest of justice.

COMPLAINANT
THROUGH

ADVOCATE FOR THE COMPLAINANT

NEW DELHI

 Affidavit format under Section 23(2) of The Protection of Women from Domestic Violence Act, 2005.

Format of Affidavit under Section 23(2) to be attached with Application under Section 12 of the Protection of Women from Domestic Violence Act, 2005

IN THE COURT OF JUDICIAL MAGISTRATE AT \_\_\_\_\_\_\_\_\_

CASE NO. \_\_\_\_\_\_\_\_\_\_ OF 20\_\_

IN THE MATTER OF:

MRS. W\_\_\_\_\_\_\_\_\_                                                            COMPLAINANT

VERSUS

MR. H \_\_\_\_\_\_\_\_\_\_                                                           RESPONDENT

Police Station : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

AFFIDAVIT

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Wife of Mr. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Resident of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, D/o Mr. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ R/o\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ presently residing at\_\_\_\_\_\_\_\_\_\_\_\_ do solemnly affirm and declare on oath as under:

1. That I am the Applicant in the accompanying Application for \_\_\_\_\_\_\_\_\_\_\_\_ filed for myself and for my daughter / son.

2. That I am the Natural guardian of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

3. That being conversant with the facts and circumstances of the case I am competent to swear this Affidavit.

4. That the Deponent had been living with the Respondent at \_\_\_\_\_\_\_\_\_ since \_\_\_\_\_\_ to \_\_\_\_\_\_\_\_

5. That the details provided in the present Application for the grant of relief under Section (s) \_\_\_\_\_\_\_\_\_ have been entered into by the Deponent / at my instructions.

6. That the contents of the said application have been read over, explained to me in English/ Hindi / any other local language (Please specify \_\_\_\_\_\_\_\_\_\_\_\_\_\_)

7. That the contents of the said application may be read as part of this affidavit and are not being repeated herein for the sake of brevity.

8. That the Applicant apprehends repetition of the acts of domestic violence by the Respondent (s) against which relief is sought in the accompanying application.

9. That the Respondent has threatened the applicant that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

10. That the relief claimed in the accompanying application are urgent in as much as the applicant would face great financial hardship and would be forced to live under threat of repetition / escalation of acts of domestic violence complained of in the accompanying application by the Respondent (s) if the said reliefs are not granted on the ex parte ad interim basis.

11. That the facts mentioned herein are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

DEPONENT

VERIFICATION

Verified at \_\_\_\_\_\_\_\_\_\_\_\_ (Place) on this\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_ that the contents of Paras 1 to 12 of the above application are true and correct to the best of my knowledge and belief nothing in Material has been concealed therefrom.

DEPONENT

Note

The above affidavit should be attached with Application under Section 12 of The Protection of Women from Domestic Violence Act, 2005.

**Format of Written Submission to Complaint under Section 12 of Domestic Violence Act claiming relief under section 18, 19, 20, 21 and 22 of the Act, download format.**

You may use the sample Written submission format given below for the Domestic Violence case under Section 12 of Domestic Violence Act 2005, claiming relief Protection Orders Under Section 18, Residence Order Under Section 19, Monetary Relief under section 20, Monitory Relief under Section 20, Custody order under Section 21, Compensation order under Section 22.

Sample format of Written submission under The Protection of Women from Domestic Violence Act, 2005 is given below:

IN THE COURT OF \_\_\_\_\_\_\_\_\_\_\_\_\_, LEARNED METROPOLITAN MAGISTRATE, MAHILA COURT, \_\_\_\_\_\_\_\_\_\_ COURTS, NEW DELHI

COMPLAINT CASE NO. \_\_\_\_ OF 20\_\_

IN THE MATTER OF :
\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COMPLAINANT
VERSUS
\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ RESPONDENT

WRITTEN ARGUMENT ON BEHALF OF THE COMPLAINANT IN APPLICATION U/S 12 R/W SECTION 17, 18, 19, 20, 22 OF PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005 FOR GRANT OF RIGHT TO CONTINUE RESIDING IN THE MATRIMONIAL HOUSE WITHOUT INTERFERENCE AND THREAT, PROTECTION ORDERS, MONETARY RELIEF, COMPENSATION AND ANY OTHER RELIEF WHICH THIS HON'BLE COURT MAY DEEM FIT AND PROPER.

MOST RESPECTFULLY SHOWETH:

1. That the above noted complaint is pending adjudication before this Hon'ble Court and is fixed for hearing on \_\_\_\_\_\_\_\_\_\_\_\_.

2. That the summons of the complaint has already been issued to the defendants and the defendants have also put in appearance in the matter.

3. That the Defendant has filed his reply to the complainant and the Complainant has filed rejoinder to it on \_\_\_\_\_\_.

4. That the Complainant has filed affidavit showing income and expenditure as per the format prescribed by the Hon'ble High Court of Delhi in Kusum Sharma Vs. Mahinder Kumar Sharma on \_\_\_\_\_\_\_.

5. That the Defendant has also filed his affidavit showing income and expenditure on \_\_\_\_\_\_\_\_\_\_, but not filed copy of Latest Income Tax Return i.e. for Financial Year \_\_\_\_\_\_\_\_\_\_).

6. The Complainant most respectfully submit the following written arguments in support of contentions, submissions and facts already placed and submitted on the records and the oral arguments so adduced.

7. That the Complainant got married to the Respondent on \_\_\_\_\_\_\_\_\_\_\_\_ in accordance with Hindu rites and ceremonies at \_\_\_\_\_. No issue was born from this wedlock.

8. That the Respondent is working as Manager with \_\_\_\_\_\_\_\_\_\_\_ India Ltd at \_\_\_\_\_\_\_\_\_\_. The Complainant came to live in the matrimonial home at New Delhi with the Respondent after Marriage.

9. The father of the Complainant had given Rs. \_\_\_\_\_\_ in Tilak to the Respondent. In addition to this, an \_\_ car was given. The marriage was a lavish affair. Lots of gifts, jewellery etc was given by her father who is a retired school teacher and had to sell some property, borrow from others and exhaust all his savings to arrange the marriage of the complainant.

10. That the respondent husband, his father and sister were not happy with the Dowry and other gifts. They have showed their annoyance soon after marriage.

11. The Respondent started tormenting her almost immediately after marriage. He used to poke and provoke her and instigated her to react to his misdemeanor and later record the same on his mobile phone.

12. That as per the affidavit the Respondent is earning Gross income of Rs. \_\_\_\_\_\_\_\_\_/- per year. The Respondent not yet produced his income tax Return for the Financial Year \_\_\_\_\_ to ascertain his current income. Even though the Respondent is earning huge salary the complainant had to starve for money even for her basic needs. Her father used to help her by sending money even for the daily necessaries.

13. That the Complainant had no history of illness of any kind before marriage. The Respondent/husband by his cruel and atrocious behavior, assisted by his sister tormented her so much that she went into depression.

14. That the complainant was the target of unprovoked physical and mental abuse by the Respondent. The father in law of the complainant had also created very embarrassing and inexplicable situations at times.

15. That the respondent constantly made indecent and vulgar comments about the sister of the complainant, who still leaves with her as she has not come out of depression completely and the doctor advised that she should not be left alone.

16. That the Respondent has denied conjugal relations to the Complainant. He says that the complainant does not meet his level of liking. The respondent picks up quarrels on the flimsiest of excuses.

17. That on \_\_\_\_\_\_\_, the respondent / husband picked up a quarrel and started slapping the complainant. He pulled her by hair and kicked her in the abdomen. She somehow called PCR and a DD entry was registered at \_\_\_\_\_\_\_\_\_\_\_ Police Station.

18. That in \_\_\_\_\_\_\_\_, the respondent and his sister came together in the night and thrashed the complainant in black and blue alleging falsely that she blamed him of incest.

19. That the respondent, in order to avoid his own liability has filed a petition u/s 13(1)(ia) of Hindu Marriage Act against the complainant wherein he made all kinds of baseless allegations against her.

20. That the above said petition was withdrawn when the parties entered into a settlement agreement dated \_\_\_\_\_\_\_ in HMA Suit No. \_\_\_\_ titled "\_\_\_\_\_\_\_\_\_\_\_", which was to be executed on \_\_\_\_\_\_\_, but it was never executed. In fact the Complainants lawyers had prepared a mutual consent divorce petition as per the agreement and handed over to the Respondent for his signatures. The Respondent kept the petition for few months in his custody and returned back it to the complainant without his signature.

21. That the Complainant has already submitted before this Hon'ble Court in her rejoinder that even now she is ready to settle the issue as per the settle agreement dated \_\_\_\_\_\_\_\_\_\_\_\_\_, under the supervision of this Hon'ble Court, if the Respondent is ready to execute the terms of the agreement.

22. That the Respondent has not disclosed full information about his educational qualification in the affidavit filed by him showing income and expenditure as per the format prescribed by the Hon'ble High Court of Delhi in Kusum Sharma Vs. Mahinder Kumar Sharma.

23. That the Respondent has shown huge amount of expenses i.e. Rs. \_\_\_\_\_\_\_\_/- per month against his net income of Rs. \_\_\_\_\_\_\_\_/- to avoid his liability to pay maintenance, medical expenses, compensation and other claims to the Complainant.

24. That the Respondent is giving only Rs. \_\_\_\_\_/- to Rs. \_\_\_\_\_/- per week to the Complainant for household expenses from which the expenses of Respondent also is being managed. The other expenses being born by the Respondent is rent of Rs. \_\_\_\_\_\_/- per month.

25. That the Respondent has claimed huge amount of monthly expenses in his affidavit, but he is not spending any amount except mentioned about for the maintenance or expenses of the Complainant.

26. That the Affidavit filed by the Respondent shows his lavish life style. The Complainant also deserves to live her life according to the life standard of the Respondent. So the amount of maintenance and other claim made in the petition is justifiable.

27. That the Complainant is totally dependent on her parents for her daily needs of life and she has none to support, except the complainant/wife.

28. That the cause of action for filing the present petition arose immediately after marriage and continued thereafter because there was not even a single day without an act of emotional or physical violence. It arose on \_\_\_\_\_\_\_ when a DD entry was registered at PS \_\_\_\_\_\_\_ pursuant to a PCR call made by the complainant. Again on \_\_\_\_\_\_\_, when the respondent and his sister came together, beat her up and in sheer anger the respondent husband broke a few things give vent to his anger. The cause of action still persists because the cruelties have not ceased and continue unabated.

29. That the complaint is residing at Delhi within the territorial limits of the Court, hence the Ld. Court has the Jurisdiction to try and adjudicate this petition.

30. That many Judgments of the Hon'ble Supreme Court of India support the prayer of the Complainant.

31. That in V.D. Bhanot v. Savita Bhanot (2012) 3 SCC 183 the Hon'ble Apex Court upheld the maintenance allowed to the Respondent and directed to provide a sum of Rs. 10,000/- per month towards rental charges for acquiring accommodation of her choice. The Hon'ble Supreme Court held that:

"11. Accordingly, in terms of Section 19 of the PWD Act, 2005, we direct the Petitioner to provide a suitable portion of his residence to the Respondent for her residence, together with all necessary amenities to make such residential premises properly habitable for the Respondent, within 29th February, 2012. The said portion of the premises will be properly furnished according to the choice of the Respondent to enable her to live in dignity in the shared household. Consequently, the sum of Rs.10,000/- directed to be paid to the Respondent for obtaining alternative accommodation in the event the Petitioner was reluctant to live in the same house with the Respondent, shall stand reduced from Rs.10,000/- to Rs.4,000/-, which will be paid to the Respondent in addition to the sum of Rs.6,000/- directed to be paid to her towards her maintenance. In other words, in addition to providing the residential accommodation to the Respondent, the Petitioner shall also pay a total sum of Rs.10,000/- per month to the Respondent towards her maintenance and day-to-day expenses."

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32. That in Saraswathy v. Babu (2014) 3 SCC 712 the Hon'ble Apex Court directed to pay compensation and damages to the extent of Rs.5,00,000/- in favour of the appellant-wife. The Hon'ble Supreme Court held that:

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16. The order passed by the High Court is set aside with a direction to the respondent-husband to comply with the orders and directions passed by the courts below with regard to residence and maintenance within three months. The respondent-husband is further directed to pay a sum of Rs.5,00,000/- in favour of the appellant-wife within six months from the date of this order. The appeal is allowed with aforesaid observations and directions. However, there shall be no separate order as to costs."

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