

IN THE COURT OF DR. SHAHABUDDIN : MM : ROHINI :DELHI

Application No.1192/1
PS Sultan Puri
U/s 12 of Domestic Violence Act, 2005

ORDER

Sonia versus Vinod etc.

15.09.2007 (At 3.00 p.m.)

1. Applicant Sonia is present in person at this time.
All the respondents are present in person with Ld. Counsel Shri Anujai Tiwari. Ld. Protection Officer Ms. Kiran also present.
2. By this order, I have to decide an application of applicant Sonia w/o Shri Vinod and D/o Shri Brahm Parkash (in short called as applicant hereinafter) filed u/s 12 of the Protection of Women From Domestic Violence Act, 2005 (in short called as Act hereinafter).
3. This application was filed by the applicant on 20.08.2007. The main facts of this application are that the applicant was married to respondent No.1 on 19.11.2006;that respondent No.1 and his other family members were not satisfied with the dowry articles and they started harassing the applicant on one ground or the other; that severe beatings were also given to the applicant by respondent No.1 and his other family members on several occasions; that respondent No.1 was habitual of drinking and misbehaving with the applicant from time to time without any justified reasons; that matter was also reported to the local police but no action was taken against any of the respondents and hence this application was filed claiming relief as prayed for at the end of the application.
4. Notice of this application was given to Ld. Protection Officer Ms. Kiran (in short called as Protection Officer hereinafter) and she filed Domestic Incident report before this court pertaining to this matter. Notice of this application was also issued to all the respondents through Protection Officer and they had put their appearance before this court through their Ld. Counsel on 01.09.2007. They were also supplied copies of the application and all the relevant papers attached in support of it and they sought time to file reply to this application. However, they did not opt to file any written reply to it and their Ld. Counsel orally opposed this application on behalf of respondents without filing any written reply.
5. I have heard applicant and her counsel Mr. Danvir Singh and Mr. Manjeet as well as all the respondents and their Ld. Counsel Shri Baldev Sharan on 14.09.2007 pertaining to this matter. Views of Protection officer were also taken into consideration as she was also

present on 14.09.2007. The main submissions of applicant and her Ld. Counsel were that on the basis of entire facts narrated in the application coupled with Domestic Incident Report submitted by Protection Officer, she was in dire need of protection orders as per prayer clause of the application under discussion.

6. On the other hand, main submissions of the respondents and their Ld. Counsel were to the effect that no domestic violence had ever been committed against the applicant by any of the respondents; that respondent No.1 is the only married person in his family having liability to support his widow mother aged about 75 years; that respondent No.1 was also having liability to support his other three sisters and one brother, who were all unmarried and depending upon the earnings of respondent No.1; that family of respondents was very poor family and they were having only small house of three small rooms and they cannot spare one room for the applicant exclusively out of this small accommodation; that respondent No. 1 was also ready to reside peacefully with the applicant in his parental house but the applicant herself was of quarrelsome nature and was not co-operating at all on any point with the family members of respondent No.1; that respondent No.1 was still ready to keep her in his parental house provided she cooperates with other family members; that respondents were the victims rather than aggressors and that it was the applicant only who was harassing the respondents on trivial matters. Lastly, a prayer was made to dismiss the application under discussion.

7. I have perused the entire judicial file minutely in view of the above mentioned rival submissions. I have also taken into consideration the view points of the Protection Officer and the Domestic Incident Report submitted by her before this court.

8. On the basis of entire facts and circumstances of this case, I am prima facie of the considered opinion that behaviour of applicant is of such a nature that she is not cooperating with the respondents. She prima facie appears to be harassing the respondents on trivial matters. The applicant has prima facie failed to satisfy this court that respondent No.1 or any of his other family members have really committed any Domestic Violence against her in the given facts and circumstances of this case. The applicant prima facie appears to be residing at present with her parents without any justified reasons. Her in-laws are very much in need of her company and support because all the three sisters and one brother of respondent No.1 are unmarried at present and prima facie depending upon the earnings of respondent No.1 and the mother of respondent No.1 appears to be quite old and physically weak in health. She also needs the services of her daughter-in-law namely, applicant for her own care and protection.

9. On the basis of above mentioned discussion, I am prima-facie of the considered opinion that no domestic violence has taken place pertaining to this matter and the applicant does not deserve any order in her favour from this court at present. Her application under discussion is prima facie found to be devoid of any merits at this stage it is hereby dismissed. No order as to costs.

10. Let one certified copy of this order be given dasti to the applicant and one such copy collectively to all the respondents as they are all family members. One certified copy of this order be also sent to the SHO of area concerned and one such copy be also given to the Protection Officer for her record, as prayed for.

Announced in the open court,

today i.e., on 15th of September, 2007.

(DR. SHAHABUDDIN)

MM. ROHINI / 15/9/07