

IN THE COURT OF THE LEARNED JUDICIAL MAGISTRATE FIRST CLASS
(Under Section 12 read with Sections 17, 18, 19, 20, 22 & 23 of the Protection of Women from Domestic Violence Act, 2005)

In the matter of:

Mrs. _____
Wife of Sh. _____
D/o _____
Resident of _____

...Applicant/Aggrieved Person

Versus

1. Sh. _____
Son of _____
Resident of _____

(Husband)

2. Mrs. _____
Wife of _____
Resident of _____

(Mother-in-law)

3. Sh. _____
Son of _____
Resident of _____

(Father-in-law)

...Respondents

APPLICATION UNDER SECTION 12 OF THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005 SEEKING PROTECTION ORDER, RESIDENCE ORDER, MONETARY RELIEF, COMPENSATION AND INTERIM RELIEF

MOST RESPECTFULLY SHOWETH:

1. Particulars of the Applicant

Name:
Age:
Occupation:
Address:

2. Particulars of Respondents

Name:

Relationship with Applicant:

Address:

FACTS OF THE CASE

1.

The marriage between the Applicant and Respondent No.1 was solemnized on _____ at _____ according to Hindu rites and ceremonies.

A copy of Marriage Certificate/Marriage photographs is annexed.

2.

After marriage, the Applicant started residing with Respondents in the matrimonial/shared household situated at _____

where she lived as the legally wedded wife.

3.

At the time of marriage, the Applicant's parents spent considerable amounts towards marriage expenses and gave sufficient dowry articles, jewellery, clothes and household articles.

Despite this, the Respondents remained dissatisfied and started demanding further dowry.

4.

The Applicant was subjected to continuous acts of domestic violence including

- Physical violence
- Mental cruelty
- Emotional abuse
- Economic abuse
- Verbal abuse

within the meaning of Section 3 of the DV Act.

5.

Respondent No.1 frequently assaulted the Applicant on trivial issues.

She was abused, insulted and humiliated in front of relatives and neighbours.

6.

The Respondents repeatedly threatened to throw the Applicant out of the matrimonial house.

On _____, she was forcibly dispossessed from her matrimonial home.

Since then she has been residing at her parental house/temporary accommodation.

7.

The Applicant has no independent residential accommodation.

She has no sufficient income to secure alternative accommodation.

8.

The Respondents are threatening to

- sell the matrimonial house;
- create third-party rights;
- prevent the Applicant from entering the house;
- dispose of her belongings.

Unless restrained, the Applicant shall suffer irreparable loss.

9.

The matrimonial house is the "Shared Household" within the meaning of Section 2(s) read with Section 17 of the Protection of Women from Domestic Violence Act.

The Applicant has a statutory right to reside therein irrespective of ownership.

10.

The Applicant's Stridhan including jewellery, clothes, utensils, furniture and other valuable articles remain in possession of the Respondents.

Repeated demands have not yielded any result.

11.

Cause of action first arose on _____ and continues every day.

The cause of action is continuing.

Domestic Violence Committed

The Respondents have committed

- Physical abuse
- Emotional abuse
- Verbal abuse
- Economic abuse
- Deprivation of residence
- Illegal dispossession
- Threats of eviction
- Withholding Stridhan

GROUNDS

The Applicant is entitled to relief because

A.

Section 17 confers an independent statutory right upon every woman in a domestic relationship to reside in the shared household.

B.

The Respondents cannot illegally dispossess the Applicant except through due process of law.

C.

Economic abuse by depriving residence constitutes domestic violence.

D.

The Applicant cannot be rendered homeless merely because the property stands in the name of parents-in-law or husband.

E.

The balance of convenience lies in favour of protecting the Applicant's residence.

F.

Irreparable loss shall be caused if interim protection is not granted.

PRAYER

It is therefore respectfully prayed that this Hon'ble Court may kindly:

(a)

Pass a Residence Order under Section 19 directing Respondents not to dispossess the Applicant from the shared household.

(b)

Permit the Applicant to immediately re-enter and reside in the matrimonial/shared household.

(c)

Restrain the Respondents from

- interfering in peaceful possession;
- changing locks;
- obstructing entry;
- alienating the property;

- creating third-party rights.

(d)

Direct Respondent No.1 to provide suitable alternative accommodation of equivalent status in case cohabitation becomes impossible.

(e)

Direct Respondents to hand over possession of one independent room with kitchen, bathroom and access to common facilities.

(f)

Direct restoration of electricity, water and other essential amenities.

(g)

Direct return of Stridhan articles.

(h)

Award compensation under Section 22 for mental agony and emotional distress.

(i)

Grant litigation expenses.

(j)

Pass Protection Order under Section 18 restraining Respondents from committing further domestic violence.

(k)

Grant monetary relief under Section 20 as deemed fit.

(l)

Pass interim ex parte orders under Section 23 directing

- immediate restoration of residence;
- restraint against dispossession;
- police assistance for implementation;
- protection from harassment.

(m)

Pass any other order deemed fit in the interest of justice.

INTERIM APPLICATION UNDER SECTION 23

Pending disposal of the present application, it is prayed that this Hon'ble Court may kindly:

1. Restrain Respondents from dispossessing Applicant.
2. Permit immediate entry into shared household.
3. Direct SHO concerned to provide police assistance.
4. Restrain Respondents from changing locks.
5. Restrain alienation of the property.
6. Direct restoration of electricity and water.

LIST OF DOCUMENTS

1. Marriage Certificate.
2. Aadhaar Card.
3. Address Proof.
4. Marriage photographs.
5. Domestic Incident Report (if available).
6. Medical records.
7. Police complaints.
8. WhatsApp chats.
9. Audio/video recordings.
10. Photographs of injuries.
11. Income proof.
12. Property photographs.
13. Electricity bills.
14. Water bills.
15. List of Stridhan articles.
16. Bank statements.
17. Any other relevant documents.

VERIFICATION

I, _____, the Applicant above named, do hereby verify that the contents of paragraphs 1 to ____ are true and correct to my knowledge, those of the remaining paragraphs are based upon legal advice believed to be true, and nothing material has been concealed.

Verified at _____ on this ____ day of _____ 20__.

Applicant

Through Counsel

Advocate

Suggested annexures

- Annexure A – Marriage certificate/photographs
- Annexure B – Proof of residence in the shared household
- Annexure C – Domestic Incident Report (if any)
- Annexure D – Police complaints
- Annexure E – Medical records
- Annexure F – Photographs
- Annexure G – List of Stridhan
- Annexure H – Income documents
- Annexure I – WhatsApp messages/electronic evidence
- Annexure J – Property documents (if available)