

**IN THE COURT OF THE SPL. JUDL. MAGISTRATE OF I CLASS,
EXCISE COURT, ONGOLE.**

Present: Miss **C.R.Sumalatha**, B.Sc., L.L.B.,
Special Judicial Magistrate of I Class, Excise Court, Ongole

Wednesday, this the 20th day of February, 2013.

D.V.C.No. 28 of 2012.

Between:

Kondrajula @ Syed Saroja w/o Syed Malik, 20 years,
Ammanabrolu village, N.G.Padu Mandal, Prakasam Dist.

....Petitioner

and

- 1. Syed Malik**
- 2. Syed Hasmitha**
- 3. Syed Salam**
- 4. Syed Ameer**

All are Residents of Muslim Bazaar,
Ammanabrolu village, N.G.Padu Mandal.

...Respondents

This case coming on 04.02.2013 for final hearing before me in the presence of Sri G.Nagireddy, Advocate for Petitioners and Sri K.Sankar Kumar, Advocate for respondents having stood over for consideration till this day, this court delivered the following:

// ORDER //

1. The petitioner filed this application through District Protection Officer, who was directed by the District Collector, Ongole to take necessary action.
2. The contents of the petition are that the petitioner is native of Ammanabrolu village and she studied upto intermediate. While so, the respondent who belongs to their village lured her with love and induced her to elope with him to Shamshabad of Hyderabad in the month of June, 2007 and the petitioner believed the words of respondent and accepted for the marriage, on that the respondent married the petitioner on 06.06.2007 at 09-30 P.M. in Krishna Mandiram of Shamshabad by exchanging garlands and by tying taali, in the presence of Satyanarayana, Shyam, Pallavi @ Peramma and others. Later both the petitioner and respondent lived happily for a period of 2 months in

Shamshabad, later the respondent pledged the gold ornaments of petitioner and brought her to Ongole and put up family in the house of one Grandhi Seenu at Bandlamitta of Ongole and the respondent joined as auto driver in Manjeera Water Plant. Later the elder sister of respondent by name Shahina and R.4 used to contact the respondent and slowly stopped going to the work. In the meantime the petitioner became pregnant, since then the respondent used to harass her stating that he has no money and he lost his religion. The respondents also hatched out a plan to get her aborted and get rid off her from the marital life by hook or crook. As a part of their plan on 14.09.2007 the respondent took her to Manasa Talli-Pillala Hosptal, Ongole, but the doctor did not accept for M.T.P. and advised to keep the pregnancy, then the respondent got angry and beat the petitioner black and blue on that day. The respondents demanded the petitioner to bring Rs.50,000/- from her parents house to purchase an auto and to get his nose operated, she informed the same to her mother, but she failed to prove the same. Then R.1 necked her out from the house and as there is no other go, she is residing in a separate house. R.1 declared that he wanted to be with his family members by getting rid off the petitioner and he will marry again. Hence, the petitioner constrained to file this application.

3. Denying the contentions of the petition, the respondents filed counter contending that he and the petitioner belongs to the same village and he got acquaintance with the petitioner since 7 months and no marriage was taken place between them and there is no marital life between them. The petitioner lodged a case under Sec.498-A of IPC, M.C.04/2008 and CrI.M.P.220/2008 seeking interim maintenance on the file of III-A.M.M. Court, Ongole with an intent to harass the respondent

and his family members. The respondent contended that he is depending upon his parents for eking his livelihood who are agricultural coolies and the respondent is not having any property and he has no capacity to pay maintenance and other expenses to the petitioner and respondent is not at all responsible for pregnancy of the petitioner. The respondent further contended that the petitioner is doing money lending business and she is able to maintain herself and the petitioner who is an educated lady is able to maintain herself and prays to dismiss the petition with costs.

4. To prove the case of the petitioner, the petitioner examined herself as Pw.1 and no documents are exhibited. On behalf of respondent, no oral and documentary evidence is adduced.

5. Now point for Considerations are that :

Whether the petitioner is entitled for the reliefs as claimed for ?

POINT:-

6. According to P.w.1, since 3 years she is having acquaintance with the respondent who is an auto driver and her marriage with the respondent was performed on 06.06.2007 at Shamshabad Krishna Mandiram of Hyderabad, which is a love marriage performed by their friends Satyanarayana, Pallavi and her husband by name Shyam, after their marriage they stayed at Shamshabad of Hyderabad for about 3 months in their friends house for rent and shifted to Bandlamitta of Ongole and stayed in a rented house belonging to Grandhi Sreenivasa Rao, at that time the respondent who is working as auto driver for Manjeera Water Plant, Ongole started harassing her demanded her to bring dowry and respondent used to beat her and threatened her, if she failed to bring dowry he will marry another lady. While she was in 8th

month pregnancy the respondent beat her and left her in a auto and sent her out, as there is no other go, P.w.1 informed about the attitude of the respondent to the owner of Manjeera Water Plant and at his instance she stayed in the house of one Prasad for 3 days.

7. During cross-examination of P.w.1, P.w.1 deposed that there is no documentary proof to show that respondent married P.w.1 at Shamshabad Krishna Mandiram of Hyderabad, whereas the respondent is denying the marriage between them and he never demanded dowry from P.w.1 and a suggestion to that effect was also posed to P.w.1 which is denied by her. However it is the burden of the petitioner to prove the fact of marriage with respondent and relationship between them and both of them lived together under one roof at Shamshabad, Hyderabad and Bandlamitta of Ongole. Except the oral evidence of P.w.1 there is no either oral or documentary evidence to prove that the respondent married P.w.1 at Krishnamandiram, Shamshabad of Hyderabad and they lead marital life together at Shamshabad of Hyderabad and Bandlamitta of Ongole. P.w.1 also failed to examine the said Satyanarayana, Pallavi and her husband by name Shyam who alleged to have performed their marriage at Krishnamandiram temple to support her contention that her marriage was performed with the respondent. P.w.1 also failed to examine the friends at whose house she and respondent alleged to have stayed together under one roof for about three months at Shamshabad and also failed to examine Grandhi Srinivasa Rao to prove that she and respondent stayed together at the house belonging to the said Grandhi Srinivasa Rao at Bandlamitta of Ongole, it is for the reasons best known to P.w.1. Further P.w.1 did not choose to examine the owner of Manjeera Water Plant and one Prasad to support her contention that at the instance of the owner of the Manjeera Water Plant under whom the

respondent worked as Auto driver she stayed at the house of one Prasad. Therefore, except the oral evidence of P.w.1 there is no cogent and clinching evidence on record to believe that the respondent married P.w.1 on 06.06.2007 at Krishnamandiram, Shamshabad of Hyderabad in the presence of Satyanarayana, Pallavi and her husband by name Shyam and they lived together at their friends house at Shamshabad and also they stayed together at Bandlamitta of Ongole.

8. Coming to the aspect of dowry harassment of P.w.1 in the hands of respondent, as the very performance of marriage between P.w.1 and respondent is not proved by P.w.1 and further even P.w.1 failed to prove that both of them lived together under one roof, I am of the opinion that there is no need to discuss anything more with regard to demand of dowry and harassment of P.w.1 in the hands of respondent.

9. Therefore, in view of the above discussion it could be safely concluded that the petitioner is not entitled for the reliefs as prayed for.

10. In the result, the petition is dismissed. No costs.

Dictated to the personal assistant, transcribed by him, corrected and pronounced by me in open court, this the 20th day of February, 2013.

Sd/- C.R.Sumalatha.
**Spl. Judicial Magistrate of I Class,
Excise Court, Ongole**

//APPENDIX OF EVIDENCE//

-: WITNESSES EXAMINED :-

For Petitioners
P.W.1 :Kondrajula Saroja.

For Respondent:
- None-

// DOCUMENTS MARKED //

For Petitioners:
NIL

For Respondent:
NIL

Id/- C.R.Sumalatha
Spl.JMFC, Excise Court,
Ongole.