**IN THE COURT OF LD METROPOLITAN MAGISTRATE AT DISTRICT COURT SAKET, NEW DELHI**

**COMPLAINT NO. OF 2016**

IN THE MATTER OF:

TAZRUN NISHA ….COMPLAINANT

VERSUS

KADIR AHMED & Ors. ….RESPONDENTS

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COMPLAINANT

THROUGH

**ADITYA WADHWA**

DD-13, Lower Ground Floor,

Kalkaji Extension, New Delhi - 110019

Ph: +91-9891929028

Email: [aditya@wadhwachambers.com](mailto:aditya@wadhwachambers.com)

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**MEMO OF PARTIES**

1. TAZRUN NISHA,

W/O KADIR AHMED

R/O A-77, CHUNGI NO. 2, LAL KUAN,

NEW DELHI – 110062

PRESENTLY RESIDING AT:

CHUNGI NO. 2, LAL KUAN, NEW DELHI -110062

….COMPLAINANT

VERSUS

1. MD. KADIR AHMED …RESPONDENT NO.1
2. RAZIA

D/O MD. KADIR AHMED …RESPONDNET NO. 2

1. MD. ASIF

H/O RAZIA …RESPONDENT NO.3

1. MD. AKEEL …RESPONDENT NO. 4

ALL RESIDING AT:

A-77, CHUNGI NO. 2, LAL KUAN, NEW DELHI – 110062

…RESPONDENTS

COMPLAINANT

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**COMPLAINT UNDER SECTIONS 17, 18(A), 18(B), 18(G), 19, 20, 22 AND 23 READ WITH SECTION 12 OF THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005 (43 OF 2005)**

THE COMPLAINANT MOST RESPECTFULLY SHOWETH:-

The Complainant is filing the present complaint U/s. 12 of the Protection of Women from Domestic Violence Act inter alia making prayers under Sections 17, 18(a), (b), (g), 19(1)(a), (c), (d), (e), (f) 20, 22 and 23 of the Protection of Women from Domestic Violence Act, 2005. The prayers include that:

* 1. The respondent be restraint from further committing physical, mental and economic abuse on the Aggrieved Party.
  2. The respondents be directed not to create any encumbrances or third party interest in the matrimonial home/shared household of the Complainant which is A-77, CHUNGI NO. 2, LAL KUAN, NEW DELHI – 110062.
  3. The respondents be directed to provide maintenance per month @ Rs. 15,000/- to the complainant.
  4. The respondents be directed to pay compensation to the complainant amounting to Rs. 15 lakhs for the physical and mental torture suffered by her.
  5. The court may kindly direct the respondents to bear all cost incurred by her during litigation.

**BRIEF FACTS**

* 1. The marriage between the complainant and Respondent No. 1 was solemnized as per Muslim rites and ceremonies on 18.05.2015 in Meerut in the presence of friends of Respondent No. 1 at the house of one of the friends of Respondent No. 1. Copy of a Photograph of the couple and the marriage certificate for the marriage between the Complainant and Respondent No.1 are annexed as ‘**Annexure A (Colly)**’.
  2. That immediately after solemnization of the marriage, Respondent No. 1 brought the Complainant to Delhi. The Complainant originally hails from Assam and was brought from Assam to Meerut for the marriage, and after marriage both of them started living at the Respondent No.1’s house in Lal Kuan.
  3. Before their marriage, Respondent No. 1 had told the complainant that his wife had passed away and that he had no children. Further, he also told her that apart from the house in Lal Kuan, he had plots of land in Faridabad and Saket and that they were lying unused and that there was nobody to take care of them. He told her that if he could marry her then he could lead a peaceful life. Influenced by such inducements, thinking that since she was also living alone, if she marries the first Respondent, she could also lead a peaceful life, she agreed. Thus, based on these inducements, she married him.
  4. After fifteen days of marriage, when he brought her from Meerut to Lal Kuan, New Delhi, to her utter surprise, she came to know that Respondent No. 1 did not live alone. He lived with his children from the first wife – his three sons, Ladeem, Shaqeel and Kafeel and his daughter Razia (Respondent No. 2). Apart from the aforesaid persons, in his house lived Ladeem’s wife, Razia’s husband Md. Asif (Respondent No. 3) as well as his younger brother and complainant’s brother-in-law, Md. Akeel (Respondent No. 4). But since complainant is a helpless and indigent woman, she was left with no other choice but to stay.
  5. For the first three to four months, complainant lived peacefully with the rest of the residents of the house. But somehow the sons of Respondent No. 1 and his daughter Respondent No. 2 came to know that Respondent No. 1 had promised to transfer about 40 square yards of land in the name of the complainant. Seeing the complainant as an impediment in the ways of the otherwise larger shares of property that they would have inherited from their father post his death, they decided to torture her so that she would be compelled to leave her matrimonial home.
  6. Thereafter, the complainant was gradually subjected to a streak of inhuman treatments. It began with her being compelled to do all the household work alone. At first, she tried, but for reasons of her age, she could not endure this after a certain time. When she tried to tell her husband, Respondent No. 1 and the rest of the aforesaid family members of the house that she could not do such amount of work, Respondent No. 1 along with the three aforementioned Accused persons beat her up. Apart from this, Respondent No. 2 also threatened to throw her out of the house and told her that if she could not do all the household chores for them, she was of no use to them and must ultimately leave the house.
  7. In an attempt to make her in-laws understand her position, the complainant tried to reason with the Respondents. She told Respondent No. 2 that she will do her share of the work and will not be a burden on the rest of them and they can do their own shares of chores. But this was of no avail. She was treated like a maid in the house and was compelled to do all the household chores all alone. She was beaten for not being able to work if she fell ill occasionally. Not only did they hurl at her kicks and punches, she was also beaten with *lathis.* Nobody, including the other members of the house would try to stop them and this barbaric behavior would continue for hours. She was beaten to the extent that she incurred major injuries to her arms and the rest of the body but nobody ever bothered to have her checked up with a doctor.
  8. Situation only worsened for her in due time. Apart from beating her and asking her to leave the house regularly and hurling endless abuses at her, the Respondents now subjected her to new means of torturing.
  9. That the complainant states that her brother-in-law would come to the house drunk almost every night. On one such night, he grabbed her by the arms and tried to pull her inside his room. When she reported this to Respondent No. 1, he told her that it is okay and that she should not make a fuss of such things. He told her ‘what was the big deal’ if Respondent No. 4, who is his younger brother tried to have a little ‘fun’ with her.
  10. That the complainant states that on the 9th of March 2016, when she was getting undressed to take a bath, Md. Asif, Respondent No. 3, barged into the bathroom, which is at a distance from the main residential structure. Exasperated and annoyed, when she asked him to get out of the bathroom, he asked her to take it easy and ‘enjoy’ with him and tried to forcibly pull off her clothes. She somehow managed to escape and run out of the bathroom. Since Respondent No. 2, who was clearly aware of her husband’s wrongdoings, did not do anything about it, the complainant was scared. She understood that she was not safe inside the house and Respondent No. 2’s husband could do anything to her. So she chose not to stay in the house for long and after putting on a maxi, she ran out of the house immediately.
  11. Thereafter, the complainant dialed 100 from a telephone near a temple in that area. The policeman on the line asked her to accept some money and settle it with her husband and the Accused persons. Although the police came after a little while, they merely told her that this will not be repeated. They did not listen to her at all, doing nothing except scolding her family members a little. A few hours later, her husband came to her and convinced her to go home with him. After arguing with him initially, expecting all to be fine now, she agreed to go with him.
  12. That the Complainant states that, on the night of 10th March 2016, at about 1:30 A.M., the complainant was on the roof of the house when to her utter shock and dismay, she heard Respondent No. 2 telling Respondent No. 1, 3 and 4 that they must join hands in killing the complainant. She told them that instead of using lathis on the complainant, they should beat her with kicks and punches so that there is no proof of violence and after that, they should hang the complainant from the ceiling to make it look like a suicide. She also suggested them to dial 100 and call the police themselves after getting rid of her. After a while, the complainant even saw that ropes were brought for the purpose of hanging her in the planned way.
  13. That the Complainant states that, realizing that her life was in danger, she could not sleep the entire night and kept walking to and fro. As soon as she got a chance in the morning, she tried to run away from the house. But the Accused persons caught hold of her and wouldn’t let go. They started beating her ruthlessly with lathis and everything they could get their hands on. When she started yelling and screaming, an old woman in the neighbourhood came and asked them why they were beating the complainant so mercilessly. This distracted them and she managed to escape.
  14. The Complainant due to the physical, verbal and emotional abuse caused by the Respondents apprehends for immediate threat to her life and limb. The Respondents have attempted to cause severe harm to her life and can do the same in the future.
  15. The Respondent has not been paying any money for her day to day needs and the hostility of all the Respondents has made it very difficult for her to maintain herself. Respondent No. 1 has a decent income, apart from a number of properties in difference areas of NCT of Delhi. Being the legally wedded husband he has a duty to maintain the Complainant as she has no income of her own. The respondent by not seeing to her day to day needs has caused her economic abuse and hence should be directed to maintain her.
  16. That the Complainant has been severely traumatised by the constant physical, verbal, emotional and economic abuse committed against her since the inception of her marriage. The abusive behaviour of the Respondent and the incidences leading to threat to her life and limb have apprehended her survival.
  17. That grave prejudice would be caused to the Complainant herein if the present Application is not allowed and the relief sought herein is not granted immediately.
  18. That the present Application is being filed in bona fide and should be allowed in the interests of justice.

1. That the Complainant was subjected to utmost cruelty at the hands of all the Respondents and has been a victim to severe physical, mental, economic and emotional abuse during the course of their matrimonial relationship. It is submitted that the Hon’ble Court is empowered under Section 18 and 19 to Restrain the respondent to dispossess the complainant from the shared household as well as to pass a protection order in favour of the Complainant against any form of violence so that the children of Respondent No. 1 do not try to assault her.
2. That the Complainant is a helpless, indigent person who originally hails from Assam and is not from Delhi but was brought down to Delhi and does not have anybody, no children or parents to help subsist her in Delhi. She has no source of income and has suffered economic abuse by the respondents. The complainant would not be able to maintain herself unless the Respondent No. 1 is directed to pay a monthly amount to the complainant for her day to day needs. The Hon'ble Court is empowered under section 20 of the Protection of Women from Domestic Violence Act, 2005 to direct the respondent to pay her a monthly maintenance as all the complainant wants is to be able to live her life with a semblance of dignity.

This Hon’ble Court has the jurisdiction to try the present matter as the Complainant presently resides at CHUNGI NO. 2, LAL KUAN, NEW DELHI -110062 which is within the territorial jurisdiction of this Hon’ble Court.

1. Orders required:
   * 1. Protection order under Section 18: YES
     2. Prohibiting acts of domestic violence by granting an injunction against the Respondents from repeating any of the acts mentioned hereinabove: YES.
     3. Prohibiting Respondents from entering the house: NA
     4. Prohibiting from stopping the Respondents from going to your place of employment: NA
     5. Prohibiting Respondents from entering the school/college/any other place of your children: NA
     6. Prohibiting from stopping you from going to your school: NA
     7. Prohibiting any form of communication by the Respondent with you: NA
     8. Prohibiting alienation of assets by the Respondents: NA
     9. Prohibiting operation of joint bank lockers/accounts by the Respondent and allowing the aggrieved person to operate the same. NA
     10. Directing the Respondent to stay away from the dependants/relatives/any other person of the aggrieved person to prohibit violence against them: YES
     11. Residence Order U/s. 19, restraining Respondents from:
         1. Dispossessing or throwing me out from the shared household: YES
         2. Entering that portion of the shared household in which I reside: YES
         3. Alienating/disposing/encumbering the shared household: YES:
         4. Renouncing his rights in shared household: YES
         5. An order entitling me continued access to my personal effects: YES
         6. An order directing Respondents to:

• Remove himself from the shared household: NA

• Secure same level of alternate accommodation or pay rent for the same: YES.

1. Details of previous litigation, if any: No

PRAYER:

It is therefore, most respectfully prayed that this Hon’ble Court may be pleased to pass the following order/orders :-

1. Pass orders in terms of Section 18(a) & (b) read with section 12 and section 23(2) of the Protection of Women from Domestic Violence Act, 2005 prohibiting the respondents from committing any further act of domestic violence, aiding or abetting in the commission of acts of domestic violence, whatsoever, with the aggrieved person, including personal, oral or written or electronic or telephonic contact; committing any other act as specified in the protection order.
2. Pass order in terms of Section 19 (a), (b), (c) read with Section 12 and 23(2) of the Act, prohibiting the respondents from dispossessing the complainant from the shared household and remove themselves from her share of the household. Restraining respondents from alienating or disposing the shared household.
3. Pass order in terms of Section 20 read with Section 12 and 23(2) of the Act, directing the respondent to pay the complainant maintenance @ Rs.15000/- per month.
4. Complainant is entitled for the litigation costs.
5. Pass an order under Section 22 of the Act, directing the Respondents to pay the complainant a sum of Rupees 15 lakh as compensation, for the physical, economic and emotional harm caused to her since their marriage.

1. Pass exparte ad interim orders for A to E of the above mentioned prayers; and
2. Pass such other and further order/orders as this Hon’ble Court may deem fit and proper in the interest of justice;

COMPLAINANT

THROUGH

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Dated:

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**AFFIDAVIT**

I, Tazrun Nisha w/o Md. Kadir Ahmed, R/o A-77, Chungi No. 2, Lal Kuan, New Delhi – 110062, do hereby solemnly affirm and declare as under:

* + - 1. That, I am the Complainant in the accompanying Complaint under Sections 18(a), 18(b), 18(g), 19, 20, 22 and 23 read with Section 12 of the Protection of Women from Domestic Violence Act,2005 (43 of 2005) for domestic violence.
      2. That being conversant with the facts and circumstances of the case I am competent to swear this Affidavit.
      3. That the contents of the present Complaint have been narrated by me in the vernacular and have been read over and explained to me in English.
      4. That my marriage was solemnized with Respondent no. 1 on 18.05.2015 and I had been residing with Respondent no. 1, Respondent no. 2 (step-daughter), Respondent no. 3, and Respondent no. 4 (brother-in-law) and the three sons of Respondent No. 1 in the shared household at A-77, CHUNGI NO. 2, LAL KUAN, NEW DELHI – 110062.
      5. That since 3-4 months after my marriage with Respondent no. 1 the Respondents have treated me with extreme cruelty and have caused severe physical and mental trauma to me.
      6. That the Respondent No. 1 had told me before the marriage that his wife and children were dead and that he lived alone and that he had properties in Saket, Faridabad and Lal Kuan. He had told me that marrying me will enable him to support him. Under such inducements, I married him to support myself since my husband was dead and I lived alone too.
      7. That I discovered soon after coming to Delhi and having started living with Respondent No. 1 at his house in Lal Kuan that he lived with three sons Ladeem, Shaqeel and Kafeel, apart from Akeel (Respondent No. 4), his younger brother, Razia (Respondent No. 2), his daughter, and Md. Asif (Respondent No. 3), his son-in-law. But for reasons of my helplessness and indigence, I had no other choice but to stay.
      8. That after first three to four months of marriage with Respondent No. 1 and stay at his house, I was subjected to a streak of inhuman treatments by the Respondents as Respondent No. 2, 3 & 4 had discovered that Respondent No. 1 had promised to transfer about 40 sq. yards of property in my name. Seeing me an impediment in the ways of the otherwise larger shares of property that they would have inherited from their father post his death, the aforementioned Respondents would regularly torture me so as to compel me to leave my matrimonial home.
      9. That subsequently, my situation worsened at the hands of the Respondents. I was compelled to do all the household work alone. For reasons of my age, I could not carry out so much work alone, after doing the same for some time. When I tried to tell my husband, Respondent No. 1 and the rest of the aforesaid family members of the house that I could not do such amount of work, Respondent No. 1 along with the three aforementioned Respondents beat me up. Apart from this, Respondent No. 2 also threatened to throw me out of the house and told me that if I could not do all the household chores for them, I was of no use to them and must ultimately leave the house.
      10. That I tried to reason with the Respondents. I told Respondent No. 2 that I will do my share of the work and will not be a burden on the rest of them and they can do their own shares of chores. But they did not agree. I was treated like a maid in the house and was compelled to do all the household chores all alone. I was beaten for not being able to work even when I fell ill occasionally. They not only hurled at me kicks and punches me but also beat me with lathis. Nobody, including the other members of the house tried to stop them. I was beaten to the extent that I incurred major injuries to my arms and the rest of the body and nobody ever bothered to have me checked up with a doctor.
      11. That my brother-in-law Respondent No. 4 would come to the house drunk almost every night. On one such night, he grabbed me by my arms and tried to pull me inside his room. When I reported this to Respondent No. 1, he told me that it is okay and that I should not make a fuss of such things. He told me ‘what was the big deal’ if Respondent No. 4, who is his younger brother tried to have a little ‘fun’ with me.
      12. That on the 9th of March 2016, I was getting undressed to take a bath when Respondent No. 3 barged into the bathroom, which is at a distance from the main residential structure. When I asked him to get out of the bathroom, he asked me to take it easy and ‘enjoy’ with him and tried to forcibly pull off my clothes. I somehow managed to escape and run out of the bathroom. Fearing for my safety, I chose not to stay in the house for long and after putting on a maxi, I ran out of the house immediately. Thereafter, I dialled 100 from a telephone near a temple in that area. The policeman on the line asked me to accept some money and settle it with my husband and the Accused persons. Although the police came after a little while, they merely told me that this will not be repeated. They did not listen to me at all, doing nothing except scolding my family members a little. A few hours later, my husband came to me and convinced me to go home with him. After arguing with him initially, expecting all will to be fine now, I agreed to go with him.
      13. That on the night of 10th March 2016, at about 1:30 A.M., I was on the roof of the house when I heard Respondent No. 2 telling the other Respondents that they must join hands in killing me. She told them that instead of using lathis on me they should beat me with kicks and punches so that there is no proof of violence and after that, they should hang me from the ceiling to make it look like a suicide. She also suggested them to dial 100 and call the police themselves after getting rid of me. After a while, I also saw that ropes were brought for the purpose of hanging me.
      14. That realizing my life was in danger, I could not sleep the entire night and kept walking to and fro. As soon as I got a chance in the morning, I tried to run away from the house. But the Accused persons caught hold of me and wouldn’t let go. They started beating me ruthlessly with *lathis* and everything they could get their hands on. When I started yelling and screaming, an old woman in the neighborhood came and asked them why they were beating me so mercilessly. This distracted them and I managed to escape.
      15. That I fear for my life. I was subjected to utmost cruelty and all kinds of domestic violence during the course of matrimonial relationship and an immediate threat of repetition of such violence in future exists.
      16. That I am ready to live with my husband and in laws if I am assured of safety of residence and protection from abuse in the house. Otherwise, I will be forced to live under threat of repetition/escalation of acts of domestic violence by the respondent(s) if the said reliefs are not granted on an ex-parte ad interim basis.
      17. That I am an indigent and helpless person and since I originally hail from Assam, I have no parents or children to take care of me in Delhi. I have no independent source of income and Respondent No. 1 has never helped me to maintain myself for which I am facing grave financial hardships and not able to meet my day to day necessities. I only want to be able to live my life with a semblance of dignity. For this reason, I am in immediate need of financial support from the Respondent No. 1 who owns properties in different parts of NCT of Delhi and has a responsibility to provide me with maintenance.
      18. That the facts mentioned herein are true and correct to the best of my knowledge and belief and nothing material has been concealed there from.

**DEPONENT**

**VERIFICATION**

Verified at New Delhi on this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_ 2016 the contents of the above affidavit are true and correct to the best of my knowledge and belief and no part of it is false and nothing material has been concealed there from.

**DEPONENT**