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

[See Rule 6(1)]

To

The Court of Magistrate

……………………………

Application under Section.........of the Protection of Women from Domestic Violence Act, 2005 (43 of 2005)

SHOWETH:

1. Application under Section.........of the Protection of Women from Domestic Violence Act, 2005 is being filed alongwith a copy of Domestic Incident Report by the :

 (a) Aggrieved person

 (b) Protection Officer

 (c) Any other person on behalf of the 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 residence orders 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) Direct the respondent to grant compensation or damages under Section 22 and/or

(f) Pass such interim orders as the Court deems just and proper

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

3. Orders required:

(i) Protection Order 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 Respondent(s) from entering the school/college/ workplace

 Prohibiting from stopping you from going to your place of employment

 Prohibiting Respondent(s) from entering the school/college/any other place of your children

 Prohibiting from stopping you from going to your school

 Prohibiting any form of communication by the Respondent with you

 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

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

 Any other order, please specify   ———————————————

(ii) Residence Order under Section 19

An order restraining Respondent(s) from

Dispossessing or throwing me out from the shared household

Entering that portion of the shared household in which I reside

Alienating/disposing/encumbering the shared household

Renouncing her rights in the shared household

An order entitling me continued access to my personal effects

An order directing Respondent(s) to

·         Remove himself from the shared household

·         Secure same level of alternative accommodation or pay rent for the same

Any other order, 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 order, please specify   ———————————————

(iv) Monetary reliefs under Section 20

 Directing the Respondent to pay the following expenses as monetary relief :

 Food, clothes, medicines and other basic necessary

Amount   ————————— per month

 School fees and related expenses

Amount   ————————— per month

Household expenses

Amount   ————————— per month

Any other expenses

Amount   ————————— per month

Total        ————————— per month

Any other order, 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

 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 the Indian Penal Code, Sections......

Pending in the Court on           —————————————

Disposed off, details of relief        —————————————

(b) Under Cr.P.C., Sections....Pending in the Court of

Disposed off, details of relief        —————————————

(c) Under the Hindu Marriage Act, 1955, Sections....

Pending in the Court on           —————————————

Disposed off, details of relief        —————————————

(d) Under the Hindu Adoptions and Maintenance Act, 1956,

Sections.....Pending in the Court on —————————————

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 a month

Specify period

(g) Any other order

PRAYER:

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 given facts and circumstances of the case for protecting the aggrieved person from domestic violence and in the interest of justice.

Place:                                                                                   COMPLAINANT/AGGRIEVED PERSON

Dated:                                                                                                                                                  THROUGH

COUNSEL

VERIFICATION:

Verified at.....(place) on this day of...........that the contents of Paras 1 to 4 of the above application are true and correct to the best of my knowledge and nothing material has been concealed therefrom.

DEPONENT

Counter signature of Protection Officer with date

**AFFIDAVIT UNDER SECTION 23(2) OF THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005**

[See Rules 6(4) and 7]

In the Court of........; MM...

P/S: .......................................

IN THE MATTER OF:

Ms............ & Others                                         ...                                            Complainant

Versus

Mr........... & Others                                          ...                                            Respondent

**AFFIDAVIT**

I, ........................, W/o Mr. ......................., R/o ............................... D/o Mr. ......................., R/o ........................................, presently residing at......................................................................do hereby 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/s 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 me/at my instructions.

6. That the contents of the 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 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 reliefs claimed in the accompanying Application are urgent inasmuch 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 an ex parte 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...................on this....................day of..................20........ That the contents of the above affidavit are correct to the best of my knowledge and belief and no part of it is false and nothing material has been concealed therefrom.

DEPONENT

[[Name of the Court and Place]]

In the matter of :

Arbitration BETWEEN

[[Entity: Choice(“company”, "corporation", "limited liability partnership", "limited partnership", "proprietorship firm")]], a company, duly incorporated and registered under the Companies Act, 1956, with its principal place of business located at [[Company Address]], (the “Company”), through its [[Authorised signatory: Name of the Person]], (the “Owner”).

. . . CLAIMANT

And

[[Entity: Choice(“company”, "corporation", "limited liability partnership", "limited partnership", "proprietorship firm")]], (the "Agency"), a company, duly incorporated and registered under the Companies Act, 1956, with its principal place of business located at [[Company Address]], (the “Company”), through its [[Authorised signatory: Name of the Person]], (the “Agent”).

. . . RESPONDENT

[[Provision under which the Application is filed]]

**STATEMENT OF FACTS OF THE CLAIMANTS**

are hereby acknowledged, the parties agree as follows:

1. The claimant is the importer and dealer in fertilisers. The respondent is a common carrier by sea and is the owner of, inter alia, the vessel “Jalarani”.
2. By a Charter Party Agreement dated April 22, 1995 the respondent undertook that its vessel M.V.J. would call at one or two safe ports U.S. Gulf, part of Tampa and there load full and complete cargo of 33,000 M.T. 5 per cent more or less at owner’s option the cargo Bulk Phosphate all under deck and carry the same to one or two safe ports, safe anchorages West or East Coast of India and there deliver the cargo in the same good condition as they were loaded to or to the order of the claimant for consideration as mentioned in the Charter Party.
3. The Master of the said M.V.J. issued Clean Bill of Lading dated April 25, 1996 incorporating the Charter Party therein. The said Charter Party contains an Arbitration Clause. The claimant is the consignee of the said Bill of Lading. Copies of Charter Party and Bill of Lading are annexed hereto marked “A2” and “A-1”.
4. The loading of the said cargo in good condition on the said vessel M.V.J. at port Tampa (Florida, U.S.A.) commenced on April 2, 1995 at 2340 hrs. and such loading was completed on April 25, 1995 at 1010 hrs. The total quantity loaded on to the said vessel was 20,800 M.Ts. of Bulk Phosphate

IN WITNESS WHEREOF, each party to this agreement has caused it to be executed at [[Place of Execution]] on the date indicated above.

DEPONENT

[[Deponent Email: Identity | Signature]]

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

\*\*[[Name | Uppercase]]\*\*

[[Address]]

[[Contact]]

VERIFICATION

I, above named deponent do hereby and take oath that the contents of affidavit are true and correct with my knowledge and available record.

Date: [[Date]]

Place: [[Place]]

DEPONENT

**Details of variables**

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| Sr. No. | Particulars | Choices/option | Variables | Comments |
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|  | First Party |  | Name  Father’s Name  Age  Address  Upload Photo |  |
|  | Second Party |  | Name  Father’s Name  Age  Address  Upload Photo |  |
|  | Third Party / Nominee |  | Name  Father’s Name  Age  Address  Upload Photo |  |
|  | Date & Place |  | Date  Place |  |
|  | Address |  | House No.  Street  Locality  Village  Tehsil/Taluka  District  PIN |  |
|  | Location of the property/ boundary |  | East  West  North  South |  |
|  | Bank Details |  | Amount  Cheque No.  Date  Branch  Bank |  |
|  | Measurement of Land/plot |  | North side East to West =  South side East to West =  East side North to South =  West side North to South = |  |
|  | Family | married |  |  |
| unmarried |  |  |
|  | Property Details | Address |  |  |
| Area |  |  |
|  | Mode of Payment | Cheque | Amount  Cheque No.  Date  Branch  Bank |  |
| DD | Amount  Cheque No.  Date  Branch  Bank |  |
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|  | Starting date and Duration |  | Start Date  Duration |  |
|  | Dispute | Notice Period | Days |  |
| Courts | Place of Jurisdiction |  |
| Arbitration | Arbitration clause |  |
|  | Remuneration | Total |  |  |
| Salary Break up | HRA |  |
| Provident Fund |  |
| Medical Insurance |  |
| Transport |  |
| Others |  |
|  | Others |  |  |  |
|  | Company Details |  | Name  Address |  |
|  | Optional |  | Write your own |  |
|  | Witness 1 |  | Name  Father’s Name  Age  Address  Signature/ eSign  Upload Photo |  |
|  | Witness 2 |  | Name  Father’s Name  Age  Address  Signature/ eSign  Upload Photo |  |
|  | Signature |  | Signature/ eSign  Upload Photo  Date  Place  eMail  Mobile No. |  |

{{Name of Conditional “Question to Prompt User?” => Text that you would like to include if a user selects 'yes'}}