




# **Monetary Reliefs u/s 20 D.V. Act, 2005**

**Presented by:**

Chhavi Bansal

Senior Civil Judge

Karanprayag, Chamoli





# The Objective of Protection of Women from Domestic Violence Act, 2005

An Act to provide for more effective **protection of the rights of women** guaranteed under the Constitution **who are victims of violence of any kind occurring within the family** and for matters connected therewith or incidental thereto.





## WHAT IS MONETARY RELIEF?

Monetary relief is one of the relieves mentioned under Domestic Violence Act. The Magistrate is empowered under section 20 of the DV Act to pass an order of monetary relief if an aggrieved person is being subject to economic abuse. Deprivation of all or any economic or financial resources to which aggrieved person is legally entitled is an act of economic abuse.

According to **Section 2(k)** of DV Act “**monetary relief**” means the compensation which the Magistrate may order the respondent to pay to the aggrieved person, at any stage during the hearing of an application seeking any relief under this Act, to meet the expenses incurred and the losses suffered by the aggrieved person as a result of the domestic violence;




Section 2(a) “**aggrieved person**” means any woman who is, or has been, in a domestic relationship with the respondent and who alleges to have been subjected to any act of domestic violence by the respondent;

Section 2(q) “**respondent**” means any adult male person who is, or has been, in a domestic relationship with the aggrieved person and against whom the aggrieved person has sought any relief under this Act:


Provided that an aggrieved wife or female living in a relationship in the nature of a marriage may also file a complaint against a relative of the husband or the male partner.

Section 2(f) “**domestic relationship**” means a relationship between two persons who live or have, at any point of time, lived together in a shared household, when they are related by consanguinity, marriage, or through a relationship in the nature of marriage, adoption or are family members living together as a joint family;





**WHAT IS**  
**SECTION 20**  
**OF**  
**DOMESTIC VIOLENT ACT, 2005**






(1) While disposing of an application under sub-section (1) of section 12, the Magistrate may direct the respondent to pay monetary relief to meet the expenses incurred and losses suffered by the aggrieved person and any child of the aggrieved person as a result of the domestic violence and such relief **may include, but not limited to,-**

- (a) the loss of earnings;
- (b) the medical expenses;
- (c) the loss caused due to the destruction, damage or removal of any property from the control of the aggrieved person; and
- (d) the maintenance for the aggrieved person as well as her children, if any, including an order under or in addition to an order of maintenance under section 125 of the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force.






(2) The monetary relief granted under this section shall be adequate, fair and reasonable and consistent with the standard of living to which the aggrieved person is accustomed.

(3) The Magistrate shall have the power to order an appropriate lump sum payment or monthly payments of maintenance, as the nature and circumstances of the case may require.


(4) The Magistrate shall send a copy of the order for monetary relief made under sub-section(1) to the parties to the application and to the in charge of the police station within the local limits of whose jurisdiction the respondent resides.





(5) The respondent shall pay the monetary relief granted to the aggrieved person within the period specified in the order under sub-section (1).

(6) Upon the failure on the part of the respondent to make payment in terms of the order under sub-section (1), the Magistrate may direct the employer or a debtor of the respondent, to directly pay to the aggrieved person or to deposit with the court a portion of the wages or salaries or debt due to or accrued to the credit of the respondent, which amount may be adjusted towards the monetary relief payable by the respondent.








**Case Laws on Monetary  
Relief u/s 20 D V Act**








# **Rajnish v/s Neha**

## on 4 November, 2020

Section 20(1)(d) provides that the maintenance granted under the DV Act to an aggrieved woman and children, would be given effect to, in addition to an order of maintenance awarded under section 125 CrPC, or any other law in force.





**P. Rajkumar & Anr. v/s Yoga @**

**Yogalakshmi on 23 October, 2019**

Once the Magistrate declined to grant maintenance for reasons specified, it was not open for him to assume jurisdiction in a proceeding under section 125 of the CrPC, which was not pending before him and was a completely independent proceedings to direct grant of maintenance under the same.





# **Gitika Barman v/s Sanjeev Barman on 21 Oct, 2022**

It is to be mentioned here that section 20(3) of the Protection of Women from Domestic Violence Act, 2005, is independent of the provision of Section 125 of the Code of Criminal Procedure.




# **Ruchi Grover v/s Amit Grover**

## **decided on 7 December 2010**


By moving application under section 20B before the trial court under section 91 of Cr.P.C. the respondents have sought direction of the court to the complainant to file statements of her two PPF accounts (one at Delhi, and another at Dehradun), details of her balances in savings account with State Bank of India, and Centurion Bank of Punjab, and also sought to get filed details of fixed deposit receipts in the aforesaid two Banks. The accounts no. are specifically disclosed in the application.

Since, the petitioner has also sought direction from the Magistrate under section 20 of Protection of Women from Domestic Violence Act, 2005, which relates to monetary reliefs, the direction by the appellate court vide impugned order dated 19.11.2010, cannot be said to be illegal.





**Breach Of 'Monetary Relief' Order  
Can't Be Prosecuted Under Section  
31 D V Act**







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