

A ten-year-old boy has successfully compelled the father to come down on the compromise level winning the first ever case in India filed by a male under the Domestic Violence Act. The Judicial Magistrate Umeshchandra More passed the orders in favor of the applicant minor son recently.

The story in brief of this trend setting case is a ten-year-old boy had moved the court, seeking compensation from his father for allegedly not meeting his expenses, under the Protection to Women from Domestic Violence Act 2005. The boy filed the case before a Magistrate's Court through his mother on February 4 2010. Cases under this Act are usually filed by women, but this is the first time when a male had moved Court against his father.

The boy's petition says that the relation between his parents had turned sour in 2002 and that they had obtained a divorce through mutual consent from the family court here in 2005. Custody of the child was given to the mother. Advocate Asim Sarode, who represented the victim boy, said both parents have since married again with different new partners but the child remained with the mother. It was decided while the divorce granted by the family court that the father would be allowed to meet his son and that he would pay Rs.500 per month as maintenance. But the dispute again broke out between the parents over meeting the increasing expenses, including education. The father had rejected the court's order and refused to provide maintenance forcing us to file a petition through my son. The father however paid the school fees last year said the mother of the minor petitioner.

The boy had asked the court to grant him monetary relief under section 20 (2) of the Act. He has also demanded compensation under section 22 and damages for the injuries, including mental torture and emotional distress. The Magistrate interacted with the boy for some time during the case proceedings.

On the initial stage of the case the father denied everything and started vehemently fighting the case but afterwards he came down on the compromise level and expressed his willingness to provide all the necessary economical support to his son. The Magistrate More asked the father to give the same in writing on the basis of which he can pass the final order.

As per the final order passed by the Magistrate the father will be giving all the education expenses of his son till he completed age of 18 years. He will pay lump sum amount of Rs.12000/- in total each year for day today expenses of the child. He agreed to deposit this amount each year on 5th July. So Rs.12000/- will also be given till the child completed age of 18 years. The father also took the responsibility to take care of tuition fees during child's 10 to 12 standards, considering the importance of these education years. The Magistrate passed the order in view of the returned submission and the boy got the justice.

'It could not have possible if the protection from Domestic Violence Act could not be in existence.' The mother of the minor child said after the judgement. The new Act has

given very strong strategic solution making power in the hands of divorced women, as now they can ask for maintenance from the father who is showing irresponsible approach towards his duties for the child. This case brought in the gender neutral aspect involved in the Domestic Violence Act which is not restricted to women but applies to men as well said the victims Advocate Asim Sarode.