**Format of Affidavit under Section 23(2) to be attached with Application under Section 12 of the Protection of Women from Domestic Violence Act, 2005,**

As per Section 23 (2) If the Magistrate is satisfied that an application prima facie discloses that the respondent is committing, or has committed an act of domestic violence or that there is a likelihood that the respondent may commit an act of domestic violence, he may grant an ex parte order on the basis of the affidavit in such form, as may be prescribed, of the aggrieved person under section 18, section 19, section 20, section 21 or, as the case may be, section 22 against the respondent.

Sample format of Affidavit to be filed under Section 23(2) along with Application under Section 12 of The Protection of Women from Domestic Violence Act, 2005 is given below:

IN THE COURT OF JUDICIAL MAGISTRATE AT \_\_\_\_\_\_\_\_\_

CASE NO. \_\_\_\_\_\_\_\_\_\_ OF 20\_\_

IN THE MATTER OF:

MRS. W\_\_\_\_\_\_\_\_\_                                                            COMPLAINANT

VERSUS

MR. H \_\_\_\_\_\_\_\_\_\_                                                           RESPONDENT

Police Station : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

AFFIDAVIT

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Wife of Mr. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Resident of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, D/o Mr. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ R/o\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ presently residing at\_\_\_\_\_\_\_\_\_\_\_\_ do 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 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 the Deponent / at my instructions.

6. That the contents of the said 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 being 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 relief claimed in the accompanying application are urgent in as much 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 the ex parte ad 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 \_\_\_\_\_\_\_\_\_\_\_\_ (Place) on this\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_ that the contents of Paras 1 to 12 of the above application are true and correct to the best of my knowledge and belief nothing in Material has been concealed therefrom.

DEPONENT

Note

The above affidavit should be attached with Application under Section 12 of The Protection of Women from Domestic Violence Act, 2005.