Wife’s petition says:

                      In the XYZ court between

Maharani DV-498A                                                 Petitioner

vs

‘Victim’-of-false-cases                                            Respondent

1. I got married on XYZ date in ABC place etc.

2. I was not given food

3. I was beaten up

4. Husband is impotent

5. I was sexually abused

6. blah blah blah

In the end, her petition says: “I should be given 50,000 p.m maintenance, legal costs, blah blah blah…”

So your objection /written statement should be like this:

1. Admitted the fact of marriage of petitioner and respondent on XYZ date in ABC place. (if the fact of marriage and date/place are true)

2. Petitioner’s allegation that “I was not given food” is denied and she is put to strict proof of the same.  Or maybe better to use third person format like: Petitioner’s allegation that she was not given food is denied and she is put to strict proof of the same.

3. Petitioner’s allegation that she was beaten up is denied and she is put to strict proof of the same.

Similarly take each para/point in petition and if something is true, you can accept that and whatever is false you can deny in same format as above.

You can also add up some of your own points, story, or allegations if you will.  Later on the same can become part of your evidence/affidavit.  This is because if wife makes even false allegations but we don’t even state the actual domestic violence at hands of wife what happened; then a presumption may arise in mind of judges that the one who makes allegations might have at least 20% truth in those allegations, but the one who simply denies but has no counter-allegations to make might be the culprit.  Don’t ask me the logic behind this, family courts are not run based on much logic anyway.  It’s a psychological game so one shouldn’t be seen to be coming under any pressure.  Or to take a logical perspective of human psychology behind it: Trying only to defend may not be the right defence.  Many lawyers will suggest in beginning to focus only on denial and defending (to steer towards C-word basically), but I tend to disagree because if the cases actually go to evidence and full trial, not having made any allegations in the objection statement may create a disconnect and a disadvantage.

In the end, state that “for the reasons mentioned above, petitioner’s petition should be dismissed with exemplary costs, in the interest of justice and equity”.

During the objections, one need not give any evidence.  But I would not be very strict about ”don’t disclose any evidence till trial” policy advocated by many.  It’s not a purely legal game, it’s also a psychological game, so if one can create some fear in opponent’s minds at the very beginning of the cases by disclosing some tactical evidence; they may feel the same fear and uncertainty that they want you to feel about what’s going to happen next.  This can be suitably followed up to make them agree to a zero or token alimony divorce.  Else they may think that you are scared OR you want to beg and bring wife back, which never works in practice anyway as explained in the main Advice to men post.

How to file objections/written statement to wife’s DV/CrPC 125/divorce etc petition

The standard thing that needs to be done when husbands get summons from court in maintenance/DV case is to file objections.  Ok, some people may say that the judge will send the case to mediation first, but the useless drama that goes by mediation is the subject of another post later.  So here I provide very simple way how to write the objections for each statement in wife’s petition.  It is always advised to write your own and send it to advocate for taking print and filing in court.  Because even though wives are allowed to tell lies and rampant contradictions, higher standards may get applied to statements made by respondent husbands.

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Questions on preparing and writing WS/Objections

OP: Opposite Party (wife etc in matrimonial petitions/complaints)

1) What is the ideal way of preparing the WS: Deny all N allegations serially point-by-point with N statements. Then write your own allegations in a separate section under “Additional Plea”?

OR

Deny all N allegations and also include our own statements in between, thus maintaining a chronological order of statements?

A combination of both can be probably most practical and suitable. The reason for this is that some of your counter points and rebuttals make sense when made immediately after refuting the false allegation point made by OP to which they are strongly connected based on time/date of event etc.   This makes for a nice flow, and these counter points can later be used at arguments stage too.  Many a time the false petitions of OP contain vague allegations without proper time, dates or even chronological order.  In that scenario, you may tactically give your own version of the facts and you can put accurate time/dates also to make it look more plausible and professionally written too.  In case the OP’s petition has points given in random time order, you need not bother why they have made points jumbled up in time, but just reply to each point in OP’s petition/complaint in same order they appear.

After refuting of OP’s points above is done, you may still have your own points to make and facts to disclose about abuse/cruelty done to you, and give statements of facts which are important but conveniently hidden by OP, and maybe even to unload things off your chest and put them on paper and let the judicial process take a decision later on whose version is closer to truth.  Now you can make all these points preferably in chronological or topical order (e.g. all child related points if any could be made all together).  It’s more important that the points are all put on paper than aiming for perfection in ordering, organising of logical flow etc.  Writing to perfection can be very time consuming and probably not needed either given the OP cases are based on thin grounds.  We are not writing a fiction novel but a legal reply to a badly made OP’s petition.  What’s desirable and enough is that your WS reply should make for a logical reading and an unfolding story.

2) While denying the allegations, it is advisable to:
Just deny generally like “allegation that she was not given food is denied and she is put to strict proof of the same”

OR

Add your own way of proving the allegation false like “allegation that she was not given is denied because she was on holiday/office/xyz place and it’s not possible to have not given her food”

Strictly speaking a denial may be enough and that’s what most lawyers also suggest.  The only problem I have seen with this deny-only-because-I-am-innocent-anyway approach is that matrimonial cases are fought based mainly on allegations and very little substance by way of documents, recordings, messages etc.  Interim orders are given routinely based on so called ‘force’ of allegations made by wives.  That is how the situation has come about that it has become more about how to survive and play in a drama.  But the main advantage of giving arguments and pointing out contradictions and inconsistencies within OP’s petition/complaint is that it tends to put the OP/advocate on backfoot since for too long the wife’s side and advocates have been acting like they are ‘players’ with an exaggerated sense of entitlement and overconfident attitude in courts.  A strongly worded and logically explained WS immediately punctures their confidence by 50% at least, and mostly it is being seen that they are actually even reluctant to come for evidence stage after that.

Another very important thing that is being seen is that after filing a strong WS, many judges are asking for complainant to move to evidence stage directly without considering her interim application for maintenance etc.  That is a huge win since it means now they can get relief only after full judicial trial of evidence, cross-exam etc, which the OP side are most reluctant to engage in since their goal usually is not to get quick trial and justice for their allegations but to get interim maintenance and then sit and relax.
3) Is it required or advisable to include any precedence/judgement regarding maintenance/costs/alimony/support in the case where wife is working/educated/able to work?

Though citing judgments is normally done while doing arguments on interim applications or for final arguments on main petition/complaint, putting a few citations may not harm.  But it should not be carried to an extreme.  Many people think that just collecting judgments and citations will help their cause but if the judgment is not matching facts of your case closely, it may only distract from the overall case and arguments.

4) Can we request dismissal of petition based on jurisdiction too apart from the other statements and allegations?

A case cannot be filed normally if jurisdiction does not exist in that court.  This a basic point of law but somehow the adhering to basic points of law has been pushed under the carpet in favour of accepting any case which is submitted to a court, and let the proceedings begin.  Although many lawyers suggest to file objections and raise jurisdictional simultaneously as a point, somehow it seems totally against common legal sense.  If you start giving point by point reply to whole petition/complaint of OP then in a way you are admitting that the petition/complaint is valid.  An alternative approach can be to be ready with written objections but at first make submissions and argue for case dismissal itself since it is not maintainable due to jurisdiction.  If that submission is overruled, then you can file WS on next date itself.