



**IN THE COURT OF THE PRL. CIVIL JUDGE & JMFC.,  
MUDIGERE**

**PRESENT: Sri. Vishwanath A.** B.B.A.,LL.B.,  
Prl. Civil Judge & JMFC.,  
Mudigere.

**DATED THIS THE 07<sup>th</sup> DAY OF NOVEMBER 2025**

**CRL.MISC.NO:446/2024**

**BETWEEN :**

Smt. Simpana,  
Aged about 28 years,  
W/o Chethan,  
R/o Chatramaidana,  
Mudigere Post and Taluk,  
Chikkamagaluru District.

...Petitioner

**(By Sri. B. Jagadeesh, Adv.,)**

**AND :**

Sri. Chethan,  
Aged about 38 years,  
S/o Thammannagowda,  
R/o Kallahalli Village, Malaluru Post,  
Chikkamagaluru Taluk & District.

...Respondent

**(By Sri. K.S. Adithya, Adv.,)**

**(Vishwanath A.)**  
Prl. Civil Judge & JMFC.,  
**Mudigere.**



**ORDERS ON I.A. No.I**

This application is filed by the petitioner under Section 23 of Protection of Women from Domestic Violence Act 2005 seeking for an order directing the respondent to pay interim maintenance of Rs.20,000/- to the petitioner and her child, till disposal of the main petition.

**2.** The petitioner has contended that the above petition is filed seeking protection order and other reliefs under the Protection of Women from Domestic Violence Act. The respondent has totally neglected to maintain her and the child despite he is working at Eicher Service Point (Vijaya Auto Sales and Services) wherein he is earning good income and he has also got landed properties at Kallahalli of Chikkamagaluru Taluk. The petitioner is poor and helpless. The petitioner's child is aged about 3½ years and now she has to be admitted to the school. The petitioner has no other source for her livelihood. The main petition may take time and since the petitioner has no income to meet out day to day expenses for food, clothing, shelter etc., she is in need of at least of Rs.20,000/- as interim maintenance. On the above averments the petitioner has sought for allowing the application.

**3.** The respondent has filed his statement of objections to the present application denying the allegation of the petitioner. The respondent has contended the petitioner is well educated and presently working at the Horticulture College, Mudigere and she is drawing hand sum salary. The petitioner herself has deserted the



respondent taking away all the valuables including gold and silver ornaments from the residence of respondent and therefore she is not entitled for any maintenance. The respondent is not having any agricultural land in his name, but his mother has got katha for a small holding and she herself is deriving income from the same and that income is not at all sufficient even to met out the agricultural expenses. The respondent is not in permanent employment. He is working in a private concern on daily wage that too on a temporary basis and earing Rs.5,000/- per month. He has to look after the welfare of his old aged mother who is a patient. On the above grounds the respondent has sought for rejection of the application.

4. Having heard the arguments addressed by the learned counsel for petitioner, this court has perused the written arguments of respondent and also the entire materials on record. Now, the following points do arise for consideration:

**1. Whether the petitioner has made out sufficient grounds to grant the interim order as sought for?**

**2. What order?**

5. The findings of this Court on the above points are as follows:

Point No.1: **Partly in the Affirmative**

Point No.2: **As per final order for the following:**



## **REASONS**

**6. Point No.1:** What requires consideration for granting interim order as per Section 23 of the Protection of Women from Domestic Violence Act, is the satisfaction 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. For having such satisfaction, the assertions of both the parties shall have to be looked into on prima-facie. Herein the case, the fact that the petitioner is the wife of respondent and that they have got a child who is aged 3½ years, is not in dispute. The petitioner contends that she and the respondent got married on 25.01.2021 and they lived happily only for few days then the respondent has started to abuse the petitioner both physically and mentally stating to bring money from her parental home and also assaulted her. She also contended that the respondent has also scolded her stating that she has no own house and she is poor. The petitioner further alleged that the respondent had asked her to sign a paper so that he could contract another marriage. When every she had visited the matrimonial house with her child, the respondent used to assault the petitioner. Therefore, she went to her parental home along with child and now residing there with her mother. She is facing difficulty to meet out the day to day necessities of herself and the child, and that the respondent has not provided the petitioner and the child even with basic necessities.



**7.** On the other hand the respondent denying the allegations of the petitioner, contended that after two years of marriage, the petitioner has neglected the respondent and avoided taking to him and his parents. She used to go to her parental house often and often without his consent and used to stay there for three weeks in a month. The petitioner and her mother have tortured the respondent for one or the other reason asking him to live separately from his mother. In the month of March 2024, after the birth day celebration of child, the petitioner has voluntary left the respondent house by taking all gold and silver ornaments, cloths, furniture and nothing was left in the house of respondent. Though there was a conciliation by the elders of the family, the petitioner did not agree to live with the respondent. The petitioner and her mother were not responding properly to the respondent when he used to call them over phone. On 12.08.2024, the respondent had been to the parental house of the petitioner to see the petitioner and child, but the petitioner and her mother did not allow the respondent to see the child. He has not assaulted the petitioner as alleged, he never demanded dowry and he had looked after the petitioner with love and affection.

**8.** As could be seen from the above aspects, the domestic relationship between the parties is apparent. However at this juncture, there are no materials in support of the allegations and counter allegations made by the respective parties. Hence, whether or not the respondent has subjected the petitioner to domestic violence needs to be considered after full fledged trial. However it is not in dispute that the petitioner and child are



residing at the parental home of petitioner. On the other hand the respondent contends that the petitioner has voluntarily left the matrimonial home. Even this aspect needs to be considered after full fledged trial. Admittedly, the petitioner and the respondent have got a child who is of 3½ years. It is for the respondent to take care of the necessities of his wife and the child. The petitioner contends that the respondent has neglect to maintain her and the child despite he is earning hand sum salary and also got landed properties. Replying to this aspects, the respondent who admits to have been working at Eicher Service Point, but contends that his income is less than Rs.5,000/- per month and his father was a small agriculturist who is no more and the katha of the landed properties, are in the name of his mother who herself has no sufficient income.

**9.** In an affidavit of assets and liabilities of the petitioner, she states to be a graduate in MSW and working as a Messenger at DHRS, Mudigere and earning Rs.6,500/- per month, while her monthly general expenses is stated to be Rs.15,000/- per month. On the other hand respondent who throughout contended that he has got no landed properties and stated that the landed properties are in the name of his mother, but filed an affidavit of assets and liabilities as a agrarian deponent claiming to be one of the share holder along with his mother and sister, over a land to an extent of 1.32 acres in Sy.No.74/2 of Biggadevanahalli, of Amble Hobli, Chikkamagaluru Taluk. The respondent has not produce anything to show how much he is earning from his job at Eicher Service Point. Except the pleadings and affidavit of assets and liabilities of



the respective parties, there is nothing on record which shows the exact income of the respective parties. The contention that the petitioner is earning does not absolve the respondent who is admittedly the husband of petitioner and has got a child of 3 ½ years, to look after their necessities.

**10.** Respondent though contends about voluntary desertion by the petitioner, but he has placed nothing at this stage to show as to what recourse he has taken against the petitioner in this regard and also to show that he is looking after the child. The contention regarding voluntarily desertion, when there being allegations and counter allegations by the parties, cannot be ascertained on a prima-facie basis as the aspect being serious in nature, requires cogent proof. Further, the truthfulness of all such allegations and counter allegations needs to be considered after full-fledged trial. Admittedly, the petitioner and the child are residing at the parental home of the petitioner. At this stage, the fact that the petitioner has got domestic relationship with the respondent and that the parties have got a child of 3 ½ years which is now residing with the petitioner, is prima-facie apparent. There is nothing on record at this stage which shows that the respondent is providing necessities to the petitioner even otherwise to the child, so as to believe that the respondent has not deprived the petitioner and the child with economic needs. Thus, considering the above aspects, this Court considers it fit to grant the petitioner with interim order of monetary relief by way of maintenance at Rs.3,000/- per month to the petitioner and her child. Accordingly point No.1 is answered **partly in affirmative.**



**11. Point No.2:** In view of the reasons recorded on the above point No.1, this Court proceeds to pass the following:-

**ORDER**

**Application in IA. No.1 filed by the petitioner under Section 23 of Protection of Women from Domestic Violence Act, is hereby allowed in part.**

**Respondent is directed to pay a sum of Rs.3,000/- per month to the petitioner and her child, as interim monetary relief by way of maintenance, till disposal of the above petition.**

**For petitioner evidence by: 05.12.2025.**

*(Directly dictated to the Stenographer, typed by him on computer, corrected and then pronounced by me in the open court on this the **07<sup>th</sup> Day of NOVEMBER 2025 at Mudigere.**)*

**(Vishwanath A.)**  
Prl. Civil Judge & JMFC.,  
**Mudigere.**