

KAUK030003172024



IN THE COURT OF PRINCIPAL CIVIL JUDGE & JMFC-II
KARWAR

Present: Sri. Dhanuraj S.M.
B.A., LLB.
Prl. Civil Judge and J.M.F.C-II.,
Karwar.

DATED ON THIS THE 29th DAY OF JANUARY -2026.

Crl.Misc.No.69/2024

PETITIONER/S :

Smt. Rabiya Ismail Doddamani
Age: 30 years,
Occ: Household,
R/o: Karwar.

(By Sri. S.G.N. - Advocate)

-V/s-

RESPONDENT/S

Sri. Ismail Abdulrasool Doddamani
Age: 44 years,
Occ: Mattress business,
R/o: "Relax Mattress House"
Near State Bank, Pikle road,
Karwar 581 301.

(By Sri. A.A.A. - Advocate)

**Orders on I.A.No.I to III filed under Sections 23,
18 and 19 of D.V.Act**

Petitioner has filed this petition under section 12 of the Protection of Women from Domestic Violence Act, 2005 against the respondent praying the court to pas an order under Sections 18, 19, 20 and 22 of the Act and such other reliefs.

2. The Petitioner has filed I.A.No.I to III under Section 23 Protection of Women from Domestic Violence Act, 2005, seeking a direction against the respondent to pay interim maintenance of ₹30,000/- to the petitioner; application under Section 19 to pass a residential order and application under Section 18 restraining the respondent from committing any act of Domestic violence.

3. After service of notice to the respondent, he has appeared through his advocate and filed objection to the main petition as well as objection to the I.A.Nos. I to III.

4. I have heard the arguments addressed by the learned advocates on record and gone through the materials available on record.

5. The following points arise for my consideration:

POINTS

1. Whether the petitioner is entitled for the relief sought in IA No.1? If so, what rate?
2. Whether the petitioner is entitled for the residential order?
3. Whether the petitioner is entitled for the relief sought in I.A.No.III?
4. What order?
6. My finding to the above said points are:-

Point No.1 : **Partly Affirmative**

Point No.2 & 3 : **Affirmative**

Point No.4 : **As per final order,
for the following;**

REASONS

7. **POINT Nos.1 to 3:** These points are inter related, hence I have discussed them together for the sake of brevity and to avoid repetition of facts and evidence.

8. It is the case of the petitioner that she is the legally wedded wife of the respondent and their marriage was solemnized on 05.12.2012 in the presence of their well-wishers, elders and family members at Idga Shadi Mahal, Gadag, in accordance with the rites and custom prevailing in the Muslim community and at the time of their marriage, the parents of the petitioner have provided gold ornaments such as ear ring weighing 10 gram, finger ring weighing 0.5 gram and necklace weighing 10 gram. Apart from it, they have also provided utensils more than Rs.50,000/-.

9. At the time of marriage of the petitioner along with respondent, they informed petitioner and her parents that he will take the petitioner to the Karwar as he is doing the business of mattress at Karwar and after the marriage of the petitioner with the respondent, they had been to Gadag and she was staying at Gadag only for a period of one year along with father-in-law, mother-in-law and sister-in-law of the petitioner. That the family members of the respondent used to pick up quarrel with the petitioner on one or other

pretext. Thereafter, she came to Karwar and she was residing with her parents house for 5 months and thereafter, petitioner and respondent started residing at Kajubag, Karwar. At the instance of parents of the respondent, he used to abuse the petitioner and he has neglected and deserted the petitioner. When this stood like this, the petitioner became pregnant and it was aborted . That on 02.04.2016, the petitioner gave birth to a male child. During delivery and pregnancy of the petitioner, she was neglected by the respondent and his family members and the respondent used to assault and abuse the petitioner in filthy language by picking up quarrel. That the respondent is not paying the rent and not providing basic amenities such as food, cloth and shelter to the petitioner. That inspite of several talks made by the elders of the petitioner and respondent in the presence of their respective Jamat, the respondent not headed to the said talks and continued with his act. That on 11.05.2019, the petitioner gave birth to a female child namely Kumari Asiya and petitioner and her children totally neglected and deserted

by the respondent and when the respondent and his family members have picked up quarrel and assaulted the petitioner, she has lodged complaint against the respondent and that the respondent never took his children to the hospital for treatment and never used to provide food, cloth and shelter and petitioner and her children were totally neglected and deserted by the respondent. Hence, this petition.

10. Respondent filed objection to the main petition as well as interim application filed by the petitioner under Sections 19, 20 and 23 of the Act. It is specifically denied the allegations made by the petitioner in the petition as well as in the application in question. He has denied the physical and mental harassment to the petitioner and contended that at no point of time he has committed domestic violence as alleged in the application. That the respondent is bed maker with a moderate income i.e. barely sufficient to cover his basic needs, the demand of Rs.30,000/- for maintenance is unreasonable and beyond his financial capacity. That the petitioner voluntarily left the matrimonial home and living

separately of her choice and that the respondent has already filed a criminal case of assault against the brother of the petitioner and others and also a divorce suit is also pending and the respondent had issued a notice under Talaq-e-Hasan to the petitioner. The respondent has made several sincere efforts to reconcile and bring her back to the matrimonial home. However, these efforts were put into vain as the petitioner is not willing to co-operate with the respondent and the respondent is genuinely concerned about the petitioner and welfare of their children. However, the petitioner has restricted his free access to the children which made him difficult to fulfill his responsibilities as a father. That no grounds are made out by the petitioner to claim maintenance. Hence, he sought for dismissal of the application in question.

11. As could be seen from the contentions urged in the petition in question that the petitioner is seeking interim maintenance of ₹30,000/- per month from the respondent on the ground that he has harassed the petitioner and substituted her mental and physical cruelty and abused her in filthy

language and the respondent has completely neglected and deserted the petitioner and their children; the petitioner has taken shelter in her parents house, she has no independent source of income of her own. The respondent is having sufficient income out of his mattress business and he is able to pay maintenance to the petitioner.

12. Having heard the arguments of both the sides and perused the entire records, it is pertinent to state here that neither the petitioner nor the respondent have filed affidavit of declaration of assets and liabilities. It is pertinent to state here that the marital relationship between the petitioner and respondent is not in dispute. It is also not in dispute that the petitioner is living with her parents house. It is no doubt to true that the allegations made by the petitioner in question have been denied by the respondent, but no finding can be given on the said disputed facts at this stage of the proceedings without holding a full pledge enquiry in the petition. Petitioner has not produced any documents to show the income of the respondent. Even the respondent also not

produced documents pertaining to his income. The petitioner has contended that the respondent is earning sufficient income through his mattress business. However, the respondent has not disputed that he is doing mattress business. However, from the pleadings of the respondent it can be believed the respondent has got income from the said mattress business and he being the husband of petitioner, he is duty bound to maintain his wife and their children by providing proper food, cloth and shelter.

13. During the course of arguments the learned counsel for the petitioner submitted that the respondent got married to some other lady he is happily living with the said lady and he providing everything to the said lady. Because of the respondent the lady who is residing with the respondent is leading lavish life but, petitioner and her two childrens were totally neglected by the respondent. That the respondent not disputed that he got married to other lady and living with the said lady. As already stated the respondent being the husband of the petitioner, he has to provide an

accommodation to the petitioner and her children and also liable to pay the interim maintenance to the petitioner and her children.

14. It is pertinent to state here that in the objection to main petition filed by the respondent he had categorically contended that he had issued a notice of Talaq and a divorce suit is pending which is filed by him. The said contentions goes to show that petitioner and respondent are not residing together. The parents of the petitioners appears to be old aged and it also appears that they will not be in a position to provide basic needs and necessities to the petitioners. Materials on record prima-facie goes to show that the petitioner and respondent are not living together. Counsel for petitioner in her arguments stated that petitioner is residing in a rented house and she is not in capable to pay the rent. Even the respondent did not dispute the contention of the petitioner that she is residing in a rented house. On over all appreciation of the materials on record it goes to show that the petitioner is required accommodation for her and her

children stay at Karwar and also she is in need of interim maintenance.

15. In view of the fact, the interim maintenance was already granted to the petitioner at Rs.10,000/- at the time of filing of this petition. Hence, it is just and proper to grant interim maintenance to the petitioner at Rs.7,000/- per month. Further, the respondent shall provide accommodation to the petitioner and her children, as well as the respondent shall be restrained from committing domestic violence against the petitioner. Accordingly, I answer point No.1 **“Partly Affirmative”** and point Nos.2 and 3 in the **“Affirmative”** and pass the following;

16. **POINT No.4:-** For the reasons assigned, I proceed to pass following :

ORDER

IA No.1 filed under section 23 of PWDV Act is here by allowed in part.

Respondent is directed to pay monthly interim maintenance of Rs.10,000/- to the petitioner till pending disposal of the petition.

IA No. 2 filed under section 19 is hereby allowed as prayed for.

Respondent is directed to provide an accommodation to the petitioner in Karwar City consisting electricity connection and water connection to the said residence.

IA No. 3 filed under section 18 is hereby allowed as prayed for.

Respondent is hereby restrained from committing any kind of domestic violence against the petitioner till pending disposal of the petition.

Call on for petitioner evidence.

(Dictated to stenographer directly on computer, typed by her, revised and corrected by me, signed and then pronounced in the open Court on this 29th day of January 2026).

(Dhanuraj S.M.)
Prl.Civil Judge and J.M.F.C-II.,
Karwar.