

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, ALAPPUZHA.

Present:- Smt.Priyanka.S, Chief Judicial Magistrate

Dated this, the 10th day of June, 2026.**MC.33/2025**

Petitioner : Rajasree.B, aged-48 years
From Vellappadi Colony, Avalookunnu.P.O
Alappuzha.
Now residing at: Veliyil,
Mannancherry.P.O, Alappuzha.
[By Adv. Sujamol.M]

Respondent : Murukan.P,
Vellappadi Colony, Avalookunnu.P.O
Alappuzha.
(Exparte)

This case was coming on this day for consideration, the court on the same day delivered the following.

ORDER

This petition has been filed by the petitioner under section 12 of the Protection of Women from Domestic Violence Act 2005.

2. The petition summary is as follows:- The petitioner is the wife of the respondent. The marriage between the petitioner and the respondent was solemnized on 05.09.2000 as per the custom prevailing in Hindu community at the residence of the petitioner at Veliyil Veedu, Mannancherry. At the time of marriage, petitioner was gifted with 11 sovereigns of gold ornaments. After the marriage both parties lived in the house of the respondent. Besides that the parents of the petitioner gifted household articles and furniture worth Rs.1,00,000/- to the respondent. Out of the said wedlock she gave birth to three children. The respondent misappropriated the gold ornaments belonging to petitioner. The petitioner and her children were forcibly evicted from the

shared house by the respondent. On 22.06.2021, she had filed a complaint before the Circle Inspector, North Police Station, Alappuzha. Thereafter they are residing at a rented house. Respondent is a coolie worker by profession and earns more than Rs.40,000/- per month from his job. The petitioner has no source of income and now she is working as house maid. Respondent is not providing anything towards the maintenance of the petitioner and her children. The marital relationship with the petitioner and respondent strained due to the physical and mental cruelty on the part of the respondent. Hence the petitioner has no other option other than to approach the court for getting relief under Protection of Women from Domestic Violence Act 2005. Hence, the petition.

3. Notice was issued to the respondent. Notice was returned as refused. Respondent was called absent and there was no representation for the respondent. The case against respondent was set exparte.

4. The case stood posted for exparte evidence.

5. The evidence in this case consists of the oral testimony of PW1 and Ext.P1 and P2 on the side of the petitioner.

6. Heard.

7. The petitioner was examined as PW1. She filed proof affidavit in lieu of chief examination. Ext.P1 and P2 were marked as documentary evidence.

8. Ext.P1 is the copy of marriage register and Ext.P2 is the copy of complaint filed before C.I, North Police Station, Alappuzha.

9. Petitioner is the wife of the respondent. The marriage between the petitioner and the respondent was solemnized on 05.09.2000 as per Hindu religious rites. The marriage is not disputed. Ext.P1 is the copy of marriage register. According to the petitioner, she was gifted with 19 sovereigns of gold ornaments. Her brother had also

entrusted 1 sovereign of gold chain to the respondent in connection with the marriage. Ext.P2 is the copy of complaint filed before C.I, North Police Station, Alappuzha.

10. Petitioner seeks protection order, residence order and Rs.11,000/- as monthly maintenance including Rs.3,000/- for school fees from respondent and also compensation.

11. It is deposed that respondent is a coolie by profession and earns Rs.40,000/- per month. PW1 was not cross examined. There is no documentary evidence in this regard. No documents have been produced to show the actual monthly income of the respondent. Considering the facts and circumstances of the case, Rs.8,000/- can be ordered as monthly maintenance to the petitioner.

12. PW1 deposed that respondent shall pay compensation of Rs.6,50,000/- for the 11 sovereigns of gold ornaments belonging to PW1 which was obtained by him. It is material to note that no documentary evidence was adduced by PW1 with regard to the gold ornaments. There is no other evidence except the oral testimony of PW1 regarding the prayer for return of gold ornaments. The complaint was filed by Protection Officer. It mentions about 11 sovereigns whereas PW1 testified that 19 sovereigns were obtained by respondent. There is disparity in the quantity of gold ornaments alleged to be received by the respondent. The testimony of PW1 regarding return of gold ornaments is not supported by any oral as well as documentary evidence. In this circumstance, the prayer for return of gold ornaments is refused.

13. It is borne out from the evidence that petitioner and her children are residing in a rented house. The rate of rent claimed is not deposed by PW1. In this circumstance, the prayer is refused.

14. The evidence adduced by PW1 stands unchallenged. PW1 was not cross examined. From the unrebutted testimony of PW1 coupled with Ext.P1 and P2 the case

of petitioner stands proved and the prayer for protection order and order for maintenance, are allowed.

In the result, **MC stands allowed in part** as follows:-

1. The respondent is hereby restrained, from committing any acts of domestic violence, mentally and physically to the petitioner.
2. The respondent is hereby directed to pay an amount of Rs.8,000/- to the petitioner towards her monthly maintenance and the same shall be paid on or before 10th of every month. The same shall be payable from the date of filing of the complaint ie, on 14.01.2025 in view of the dictum of **Hon'ble Supreme Court in Rajnesh Vs. Neha 2020 (6) KHC 1.**

(Dictated to the Confidential Assistant, transcribed by her directly to the computer, corrected and pronounced by me in open court on this the 10th day of June, 2026)

Sd/-
Chief Judicial Magistrate.
Alappuzha

APPENDIX

WITNESSES FOR PETITIONER:-

PW1- Rajasree.B

WITNESSES FOR RESPONDENT: Nil

EXHIBITS FOR PETITIONER:-

P1 - Copy of marriage register proved through PW1

P2 - Copy of complaint filed before SHO, North Police Station proved through PW1

Sd/-
Chief Judicial Magistrate.
Alappuzha

//True copy//

Chief Judicial Magistrate.
Alappuzha