

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-II, CHERTHALA

Present: Smt. Aminakutty. P.M., Judicial First Class Magistrate -II

Dated this the 20th day of August, 2025

M. C. No. 30 of 2025

Complainants/ Aggrieved persons : 1.Neethu.T.A. aged 28 yrs. D/o. Thankarajan
Kunnuvila veedu, M G Nagar
House No. 58 G, Peroorkkada P O
Thiruvananthapuram presenting residing at
Sadgamaya, Nellikkunnath road, Nettoor P O
Maradu (via), Ernakulam District
Pin-682040.

2. Durga Krishna, aged 3 yrs.(minor)
D/o. Thankarajan
Kunnuvila veedu, M G Nagar
House No. 58 G, Peroorkkada P O
Thiruvananthapuram presenting residing at
Sadgamaya, Nellikkunnath road, Nettoor P O
Maradu (via), Ernakulam District
Pin-682040 represented by her mother 1st
petitioner.

(By Adv. Sri. Sunil. C.K. & Adv. Vidhya. K.G)

Respondents : 1.Shykrishna, aged 32 yrs.,
S/o. Shylendran (late)
Varanamsseri house, Arookutty,
Alappuzha District, Pin – 688535.(presently
residing at Pathiyamkattu house, 52A,
Aroor P O, Alappuzha District, Pin 688 534).

2. Sheeba.S, aged 52 yrs.
W/o.Shylendran(late),Varanamsseri house,
Arookutty,
Alappuzha District, Pin – 688535 (presently
residing at Pathiyamkattu house, 52A,
Aroor P O, Alappuzha District, Pin 688 534).

3. Santhi Krishna, aged 30 yrs.
W/o. Amal Udayan
Varanamsseri house,
Arookutty,Alappuzha District, Pin – 688535
(presently residing at Pathiyamkattu house, 52A,
Aroor P O, Alappuzha District, Pin 688 534).

Proceedings : Petition filed under section 12,23 of
P.W. D.V.Act, 2005.

Order : Petition is allowed in part

This case coming on for hearing on this day and the court on the same day
passed the following:

ORDER

This is a Complaint filed by the Complainants/ aggrieved person, under
section 12 of the Protection of Women from Domestic Violence Act, 2005(herein after
in short as PWDV Act) .

2. The averments in the complaint, in brief, are as follows:- 1st Petitioner
is the legally wedded wife of the 1st Respondent. The 2nd Petitioner is the minor
daughter born to the 1st Petitioner and the 1st Respondent. The other Respondents are

the mother and sister of the 1st Respondent. The marriage between the 1st Petitioner and the 1st Respondent was solemnized on 13.05.2021 at the residence of the 1st Petitioner, in accordance with Hindu religious rites and ceremonies. At the time of marriage, the 1st Petitioner was gifted with 30 sovereigns of gold ornaments. After the marriage, the Petitioners resided at the matrimonial home of the 1st Respondent situated at Arookutty. Subsequently, at the request of the 1st Respondent, the gold ornaments belonging to the 1st Petitioner were pledged at Canara Bank, Aroor Branch, for the purpose of closing an existing loan availed by the 1st Respondent. During the course of the marital relationship, the 1st Petitioner was subjected to multiple instances of domestic violence. The Respondents failed to provide adequate care and support to the 1st Petitioner during her pregnancy. Due to the continuous and intolerable acts of domestic violence perpetrated by the 1st Respondent, the 1st Petitioner was compelled to leave the matrimonial home and seek shelter at her uncle's residence. The 1st Respondent is employed with the Indian Railways and earns a monthly salary exceeding ₹50,000/-. However, he has failed to provide any financial support or maintenance to the Petitioners. The Petitioners require ₹25,000/- per month towards their maintenance. The 1st Petitioner also prays for the return of her gold ornaments. The 1st Respondent, on the other hand, has sought permanent custody of the minor child. Hence, this petition.

3. Even though the respondents were served with the notice. They were called absent and set exparte.

4. The points to be decided are :-

1. Whether the complaint is allowable as prayed for?.

2. The reliefs and costs?

5. From the side of the Complainant, PW1 was examined and Exts.P1 to P5 series were marked. Proof affidavit filed in lieu of examination in chief.

6. Heard both sides.

7. Point No.1:- The 1st Petitioner, examined as PW1, deposed in tune with the allegations set forth in the complaint during her examination-in-chief. Although notice was duly served on the Respondents, they failed to appear before the Court and were consequently set exparte. From the averments contained in the complaint and the accompanying affidavit, it is evident that a valid marriage was solemnized between the 1st Petitioner and the 1st Respondent, and that the 2nd Petitioner was born out of the said wedlock. Accordingly, the existence of a domestic relationship between the Petitioners and the Respondents stands established.

8. In view of the above, the Petitioners are entitled to claim maintenance from the 1st Respondent. As there is no contra evidence on record to rebut the case of the Petitioners, this Court is of the considered opinion that the petition can be allowed as follows:-

1. The Respondents are hereby restrained from committing any act of domestic violence against the Petitioners. A copy of this order shall be

issued to the Station House Officer (SHO) concerned for implementation.

2. The 1st Respondent is restrained from entering the place of employment and the present residence of the 1st Petitioner, and from forcefully

removing the 2nd Petitioner from the custody of the 1st Petitioner.

3. The 1st Respondent is restrained from alienating or otherwise disposing of the gold ornaments pledged at Canara Bank, Aroor Branch.

4. The Respondents are restrained from causing any obstruction to the Petitioners' peaceful residence in the shared household, namely Palathara Builders, Venice Apartments, 3rd Floor, Flat No. A3, bearing Door No. 7/692 R of Aroor Grama Panchayath.

5. The 1st Respondent is restrained from alienating his undivided share in the property.

6. The 1st Respondent shall pay a sum of ₹10,000/- (Rupees Ten Thousand only) per month to the 1st Petitioner and ₹5,000/- (Rupees Five Thousand only) per month to the 2nd Petitioner towards their maintenance. The parties shall bear their respective costs.

Dictated to the Confidential Assistant transcribed and typed by her corrected and pronounced by me in the open court on this 20th day of August, 2025.

sd/-
Aminakutty. P.M.
Judicial First Class Magistrate-II
Cherthala.

APENDIX:

Complainants's Witness:

PW1 - Neethu

Exhibits for Complainant:

P1 - Copy of Marriage Certificate

P2 - Copy of birth certificat (Durgakrishna)

P3 - Copy of Adhar

P4 - Copy of Medical certificate

P5 - Photographs 10 nos. (subjected to further proof)

Witnesses for respondent:Nil

Exhibits for respondent: Nil

sd/-

Aminakutty. P.M.
Judicial First Class Magistrate-II
Cherthala.

(True copy)

Judicial First Class Magistrate-II
Cherthala.