

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE II,
MAVELIKKARA**

Present: Sri. Anandhu.J.B, Judicial First Class Magistrate.

Dated this the 12th day of March, 2026

M.C. 72/2025

Petitioners : Nasila.R, aged 30 years, D/o Nasarudeen,
Kandathil house (Kuravan tharayil), Njakkanal P.O,
Vayanakam, Oachira village, Karunagappally Taluk
(from Parambil puthan veedu, Mekkum muri,
Thamarakulam village, Mavelikara Taluk)

2. Ahammad Badusha, aged 8 years (minor), S/o
Nasila, ..do.., represented by mother Nasila.

3. Ahammad Shehinsha, aged 3 years, (minor), S/o
Nasila, ..do.., represented by mother Nasila.

(By Adv. Anish.K)

Respondents : 1. Niyas, aged 37, S/o Muhammad Haneefa,
Kandathil house (Kuravan tharayil), Njakkanal
P.O, Vayanakam, Oachira village, Karunagappally
Taluk

2. Fathima, aged 62, W/o Muhammad Haneefa, ..do..

3. Muhammad Haneefa, aged 67, ..do..

Reliefs sought : U/s. 12 of the Protection of Women from Domestic
Violence Act, 2005

Order : Partly allowed.

This case having been heard on 12.03.2026 and the court on the same day
delivered the following:-

ORDER

1. Petition filed by the aggrieved person u/s. 12 of the Protection of Women from
Domestic Violence Act, 2005 (herein after referred as 'the Act').

2. **The averments of the petitioners, in brief, are as follows:** The first respondent is the husband of the first petitioner. The second and third petitioners are their sons. The second and third respondents are the parents of the first respondent. The marriage between the first petitioner and the first respondent was solemnized on 03.01.2016. At the time of marriage, the first respondent was employed in the Military. It is alleged that at the time of marriage, as per the demand made by the parents of the first respondent, the first petitioner was given 60 sovereigns of gold ornaments, an amount of Rs.2,00,000/-, and a Swift Dzire car. After the marriage, the first petitioner and the first respondent resided together in the matrimonial home. About one week after the marriage, the first respondent took 54 sovereigns of gold ornaments from the first petitioner stating that the same would be kept in a bank locker. However, the said gold ornaments have not been returned till date. It is further alleged that the first respondent used to physically and mentally abuse the first petitioner.

3. The second and third respondents also allegedly subjected the first petitioner to mental harassment demanding more dowry. When the first petitioner informed her parents about the harassment, they intervened in the matter. Thereafter, the father of the first petitioner decided to purchase 18 cents of property in the name of the first petitioner. The first respondent allegedly pressurised the first petitioner to assign the said property in his name. Subsequently, the father of the first petitioner assigned the said property in the joint names of the first petitioner and the first respondent. When the first respondent went back to his place of employment, the

second and third respondents allegedly continued the acts of domestic violence against the first petitioner. Later, the first respondent took the first petitioner to his place of work. However, due to the alleged assault by the first respondent, the first petitioner returned to her house.

4. Further on 04.07.2025, when the first respondent came home on leave, he assaulted the first petitioner. On 15.07.2025 at about 9.00 p.m., the first respondent again assaulted the first petitioner. On being informed by the neighbours, the police from Ochira Police Station reached the place and rebuked the respondents. On the same day at about 11.30 p.m., the respondents allegedly attempted to oust the petitioners from the house. Hence, the petitioners seek an order restraining the respondents from committing any acts of domestic violence against them. The petitioners also seek a residence order restraining the respondents from disturbing the peaceful residence of the petitioners in the shared household. Hence, this petition.

5. Notice was served to the respondents. Even though they entered appearance through a counsel of their choice, they did not file any objection. They remained ex parte.

6. During the evidence, 1st petitioner was examined as PW1. No documentary evidence was adduced. Heard the counsel for the petitioner.

7. The following points arise for consideration:

1. Whether the petitioners are entitled for the protection order as claimed?

2. Whether the petitioners are is entitled for the residence order as claimed ?

3. Orders as to reliefs

8. **Point nos.1 and 2:-** 1st petitioner is the mother of the 2nd and third petitioners.

First respondent is the husband of the 1st petitionet. 2nd and 3rd respondents are the parents of the 1st respondent. According to the 1st petitioner, the respondent has committed various acts of domestic violences against the petitioners, both mentally and physically. It is alleged that the respondent has physically assaulted the 1st petitioner several time. She further alleged that the respondent has tried to oust the petitioners from their property. The respondent did not challenge the marital status with the 1st petitioner. From the available evidence, it is seen that there exist domestic relationship between the 1st petitioner and the respondent.

7. The main case of the petitioner is that she was subjected to physical assault and mental harassment. To prove the case of the petitioners, they rely on the oral evidence adduced by PW1. First petitioner was examined as PW1. She has reiterated the petition averments in the affidavit in lieu of examination in chief. She has stated the different instances of domestic violences faced by her from the side of the respondents. The evidence adduced by the petitioners remains unchallenged and unrebutted. The existence of marital status and the existence of domestic relationship are established by the unrebutted oral evidence of PW1.

8. This Act is intended to safeguard the rights of the women in domestic relationship. From the oral evidence of PW1, the allegations of domestic violences

are proved. There is nothing before this court to doubt the veracity of her evidence. Hence, the petitioners shall be protected from causing any disturbances to her peaceful living therein. I am satisfied that the petitioners are entitled for the reliefs sought by them.

9. Point no.3:- In the result, petition is allowed as follows;

1. Respondents are hereby restrained from committing acts of domestic violence against the petitioners in the form of physical, verbal or emotional abuse.
2. Respondent is restrained, by a residence order, from disturbing the peaceful living of the petitioners at the shared household namely Kandathil House (Kuravantharayil), Njakkanal Muri, Oachira Taluk, Karunagappally and as well as in her parental home, namely, Parambil Puthen veedu, Mekkum muri, Thamarakkulam village, Mavelikkara.
3. Respondents are further restrained from committing anything detrimental to the employment of the 1st petitioner at Sree Narayana School, Pavumba.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court this the 12th day of March, 2026

sd/-

Judicial First Class Magistrate II,
Mavelikkara

Appendix

Witnesses examined for aggrieved persons:-

PW1: Nasila

Exhibits filed for aggrieved persons- Nil

Witness Examined for Respondent:-Nil.

sd/-

Judicial First Class Magistrate II,
Mavelikkara

/true copy/

Judicial First Class Magistrate II
Mavelikkara