

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE - II,  
HARIPAD**

Present :- Smt.Maneesha K. Bhadran, Judicial First Class Magistrate-II

Saturday, the 3<sup>rd</sup> day of January, 2026

**CMP.No.1716/2025 in CMP.10/2020 in MC.1/2020**

**Filed on 17.11.2025**

Petitioners/

Original Respondents: 1. Manu, aged 33 years,  
S/o. Gopalakrishnan, Pushpamangalam Veedu,  
Valanja Nadackavu muri, Krishnapuram Village.  
2. Pushpa, aged 60 years,  
W/o. Gopalakrishnan, -- do --  
**(By Adv. Anil Babu)**

Respondent : Arathi, aged 25 years,  
W/o. Manu, 'Arathi', Pathiyoor Padinjare Muri,  
Pathiyoor Village, from Pushpamangalam Veedu,  
Valanja Nadackavu muri, Krishnapuram Village.  
**[By Adv. R. Aravindakshan]**

Petition : U/s.25(2) of the Protection of Women from  
Domestic Violence Act, 2005

Order : Petition dismissed.

This CMP having been finally heard and stood over for consideration to this day, the court delivered the following:

**ORDER**

Petition filed u/s.25(2) of the Protection of Women from Domestic Violence Act, 2005 to alter the order of interim maintenance passed in CMP No.10/2020 in favour of first original petitioner.

2. Petition averments in brief are as follows:- Original petitioners filed the above MC *interalia* for protection order and maintenance alleging that first petitioner is not having any job or income. While first original petitioner was cross examined in CC No. 1301/2020 before the Hon'ble JFCM-I, Kayamkulam on

07.10.2025, during cross examination she deposed that she was working in Kaippally Jewellery during 2022 and this year. Original first petitioner is actually working in the said Jewellery since 2020 and she suppressed the same while being examined in the above MC. The above petition was ordered exparte and respondents filed Criminal Appeal No.177/2023 before Hon'ble Additional Sessions Court, Mavelikara and the matter is remanded for fresh consideration regarding order of maintenance. Hence the above petition to alter the order of interim maintenance to first petitioner.

3. Respondent/original first petitioner filed objection stiffly opposing the above petition. It is contented that the order of interim maintenance is confirmed in Criminal Appeal No.177/23 and the above petition is without any bonafides and is an attempt to protract the case. It is denied that original petitioner was an employee of Kaippally Jewellery and was drawing monthly salary. Original first petitioner had borrowed amounts from the owner of Kaippally Jewellery for meeting the medical expenses of her son and attended the said Jewellery for a few days during Onam season for clearing the liability. It is denied that original first petitioner is employed with Kaippally Jewellery and drawing salary of Rs.25,000/- per month. Hence the petition be dismissed.

4. The following point arise for consideration:

Whether the above petition is liable to be allowed?

5. Exts. B1 and B2 were marked from the side of original respondents.

6. Heard both sides.

7. **The point:** The above MC is filed *interalia* for protection, maintenance and custody order. PW1 was examined and Exts.P1 to P3 were marked from the side of original petitioners and Ext.D1 was marked from the side of respondents. After hearing both sides, MC was allowed on 30.09.2023 granting protection order and maintenance to petitioners. Aggrieved by the same, original respondents filed Criminal Appeal No.177/2023 before Hon'ble Additional Sessions Court, Mavelikara. As per Judgment dated 11.02.2025, the appeal was

allowed in part confirming the protection and custody order. The matter was remanded for consideration regarding the question of maintenance after giving opportunity to respondents for adducing further evidence. It was categorically held that the order of interim maintenance passed was confirmed and shall be in force meanwhile.

8. As there was a huge backlog of arrears of maintenance, CMP No.1120/2025 was filed by original petitioners to strike off the defence of original respondents. In the meanwhile, the above petition is filed by original respondents who seeks to alter the order of interim maintenance passed in CMP No.10/2020. Certified copy of deposition of PW1 in CC No.1301/20 before JFCM-I, Kayamkulam and photos are produced in support of the contention of original respondents. However, it is to be noted that the above order is already confirmed in appeal and opportunity is given for adducing evidence as to maintenance. The deposition of original first petitioner in CC No.1301/20 and photos produced by itself would not support the case of original respondents that original first petitioner is employed. The truth and veracity of those documents has to be subjected to the process of law and will not by itself come to the rescue of original respondents. The above attempt of original respondents can only be seen as an attempt to protract the payment of interim maintenance confirmed by Hon'ble Appellate Court. If original respondents are aggrieved by the order of maintenance, they can seek for setting aside the same after adducing evidence for which an opportunity is already granted to them. Accordingly I find no merit in the above petition to alter the order of interim maintenance already confirmed.

***In the result,***

the above petition dismissed. No order as to cost.

*Pronounced in the open court on this the 3<sup>rd</sup> day of January, 2026.*

**Sd/-  
JUDICIAL FIRST CLASS MAGISTRATE - II**

**Appendix-**

**Exhibits marked from the side of petitioners :**

- B1            Deposition of PW1 in CC.1301/20 before JFCM-I,  
                  Kayamkulam
- B2            Photographs

Sd/-

**JUDICIAL FIRST CLASS MAGISTRATE - II**