

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE, RAMANKARY**

Present:-Sri. Arun Kumar P, Judicial First Class Magistrate

Dated, this day the 30<sup>th</sup> day of January, 2026**CMP. 1862/2025 in C.M.P 1674/2024**

Petitioner : 1. Lijo Jose, 32 years, S/o Jose,  
Naduchira House, Ramankary, Vezhapra PO,  
689595, Ramankary Village, Kuttanadu  
Taluk, Alappuzha.  
(By Adv. KR Sreekumar)

Respondent : Sillu Alpha Antony, 27 years, D/o Antony,  
Vettukuzhiyil Joseph, Vezhappally, Ruby  
Nagar PO, Changanachery Taluk, Kottayam  
(By Adv. Preethi MJ)

Order : Dismissed

This C.M.P. having been heard today, the Court passed the following:-

**ORDER**

1. This is an application filed by the first respondent in CMP 1862/2025 for modifying the order passed by this court on 19.04.2024 in MC 12/2022.
2. ***The application averment in brief is as follows:*** The applicant herein is the first respondent in MC 12/ 2022 and the application was decided ex-parte. It is further submitted that the respondent who was working at Qatar was false. It is further admitted that due to recession he lost his job and there was a huge loss in his business and he is having no source of income and he returned to Kerala. While so the case was posted and he could not appear before court on time. It is further submitted that he is having no source of income and the applicant in MC was working as a school teacher and was

earning and receiving an income of ₹ 50,000/- (rupees fifty thousand only) per month. Hence, applicant in MC 12/2022 is liable to maintain him. Hence the petition.

3. The respondent filed objection contending that she is the applicant in MC 12/2022 and the application was not maintainable as it was not ordered ex-parte. The respondent was directed to pay ₹ 12,000/- (Rupees twelve thousand only) per month and hence execution petition was filed for realising ₹ 1,44,000/- (Rupees One lakh forty four thousand only ). The respondent had only paid ₹ 10,000/- (Rupees ten thousand only) so far and the respondent is working and he cannot abstain from his liability and the application is to be dismissed with costs.

4. Heard both sides.

5. The point that arise for determination is as follows.

*1. Whether the application is to be allowed and thereby the order passed in MC 12/2022 dated 19.04.2024 is to be modified under Section 25 of the Protection of Women from Domestic Violence Act. ?*

*2. If so, what shall be the order?*

6. **Point No.1:** The learned counsel for the applicant herein had argued that the respondent in MC 12/2022 is having no source of income and the applicant is working as a teacher and is earning hence the applicant in MC is liable to maintain the respondent i.e., the petitioner herein. Hence the application is to be allowed and the order passed is to be modified accordingly.

7. Per contra, the learned counsel for the respondent had argued that the application is not maintainable as the application was not set ex-parte and the application was decided on merit and the applicant has to pay Rs. 12000/- (rupees twelve thousand only) per month to the respondent herein and from total amount of ₹ 1,44,000/- (Rupees One lakh forty four thousand only ) he had so far paid only ₹ 10,000/- (Rupees ten thousand only) and he cannot abstain from his liability. Hence the application is devoid of merit and it cannot be modified.
8. By virtue of Section 25(2) of Protection of Women from Domestic Violence Act, if Magistrate on receipt of an application from the aggrieved person or the respondent is satisfied that there is a change in circumstances requiring alteration, modification or revocation of any order made under this act, he may for reason to be recorded in writing pass such order as he may deem appropriate.
9. Here, on perusal of the records it is seen that MC 12/2022 was decided on merit after taking evidence from both sides and it was ultimately decided that the respondent shall make a payment of ₹ 5,000/- (rupees five thousand only) per month from 19.02.2024 till the appointment of the applicant is made and her salary is approved. Thereafter it was also directed to arrange alternate accommodation or pay rent of ₹ 7,000/- (rupees seven thousand only) per month. Thereafter the applicant had filed execution petition as the respondent had paid only ₹ 10,000/- (Rupees ten thousand only). The contention of the

respondent is that he had lost his job abroad. He returned and he sustained huge financial loss and hence he is having no source of income. It is also contented that since the applicant is receiving more than ₹ 50,000/- (rupees fifty thousand only) per month and she is working as a teacher hence she is liable to look after the respondent herein. Such a strange argument is not maintainable and the contention is not sustainable in law. I find enough reason that there is no change of circumstances so that the order passed in MC 12/2022 dated 19.04.2024 has to be modified and this petition is filed to cause inconvenience and delay to applicant in MC 12/2022 and also to evade from making payment to the applicant. Hence, the application herein is devoid of merits and this point is found against the applicant.

10. **Point number 2:** Since point number 1 is found against the applicant, the application is devoid of merit and is liable to be dismissed. In the result, the CMP is dismissed no costs.

*Dictated to the Confidential Assistant transcribed and typed by her, corrected and pronounced by me in Open Court on this the 30<sup>th</sup> day of January, 2026.*

s/d  
Judicial First Class Magistrate