

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

Present:- Shri.KANNAN L, Judicial First Class Magistrate-I, Kochi

(In charge of Judicial First Class Magistrate-II, Kochi)

Dated: Monday the 15th day of December, 2025**CMP 902/2025 in MC 33/2025**

- Petitioners :1. Ann Maria, aged 39/2025, W/o.Yesudas Bijoy, 21/1355, Konnulli House, Water Land road, Near St'Joseph Church, Chirakkal, Palluruthy P.O., Kochi - 682 006
2. Richelle K Bijoy, aged 5/2025, D/o.Yesudas Bijoy, 21/1355, Konnulli House, Water Land road, Near St'Joseph Church, Chirakkal, Palluruthy P.O., Kochi - 682 006
3. Ryker K Bijoy, aged 3/2025, S/o.Yesudas Bijoy, 21/1355, Konnulli House, Water Land road, Near St'Joseph Church, Chirakkal, Palluruthy P.O., Kochi - 682 006
(Petitioner Nos.2 and 3 are represented their mother Ann Maria)
(Rep.By Adv.Francis Nixon)
- Respondent : Yesudas Bijoy, aged 41/2025, S/o.Lawrence K. G, 21/1355, Konnulli House, Water Land road, Near St'Joseph Church, Chirakkal, Palluruthy P.O., Kochi - 682 006
(Rep.By Adv.Benedicta Vembly, Cindia S, Benitta Raj, Arun P Willson, P Kavya, Sandra P.V, S and Vanajambika, Fathimath Thuhra I.V)
- Petition filed : Under Section 23 of the Protection of Women from Domestic Violence Act, 2005
- Sentence or Order : Petition allowed

This CMP has been finally heard on today and this court passed the following order:

ORDER

1. This is an application filed under Section 23 of the Protection of Women from

Domestic Violence Act, 2005, seeking various reliefs provided under the said Act.

2. The averments in the application are as follows:

The respondent is the husband of the petitioner. They have two children. The petitioner and the respondent became acquainted while the petitioner was working at a scanning centre. Their marriage was solemnized on 18.11.2018 at Santa Cruz Basilica, Fort Kochi. After the marriage, the petitioner converted from Hinduism to Latin Catholic faith. After marriage, the respondent developed a habit of frequently inviting his friends to the matrimonial home and conducting drinking sessions, during which he would create ruckus. Whenever the petitioner questioned his conduct, she was subjected to physical abuse and criminal intimidation. On 01.02.2020, while the petitioner was pregnant, she was brutally assaulted by the respondent on the allegation that she was not wearing her *thali mala*. She sustained injuries, including an injury on her upper lip which required suturing, and she was also slapped on her cheek. Though the petitioner's father informed the police, the matter was settled in the interest of maintaining marital harmony. Thereafter, on trivial and frivolous grounds, the respondent continued to physically abuse the petitioner. When the second child was six months old, the respondent, in an inebriated condition, again assaulted the petitioner and threatened her by brandishing a knife. She was compelled to undergo medical treatment for the injuries sustained. On 11.07.2023, after consuming alcohol with his friends, the respondent created disturbance in the house and woke up the children at about 4.00 p.m., due to which they were unable to attend school. When the

petitioner informed the respondent's father about the incident, he caught hold of her hair and banged her head against the wall. In continuation of the above incidents, the petitioner was forcibly driven out of the matrimonial home. Consequently, she left the shared household and lodged a complaint before the Palluruthy Police Station. After a period of six months, the respondent demanded to see the children, which was arranged at a restaurant. During the meeting, the respondent insisted that the petitioner record a video apologising and circulate the same to others. Upon her refusal, the respondent threatened that neither the petitioner nor the children would be allowed to enter his house. Subsequently, the respondent blocked the petitioner's mobile number. It is reliably learnt that the respondent is making arrangements to marry another woman. On several occasions, the respondent has subjected the petitioner to physical abuse and forcibly excluded her from the shared household. Hence, this application.

3. The respondent appeared and filed an objection as follows:

The marriage between the petitioner and the respondent was solemnised after a love affair that lasted for a couple of years. The respondent belongs to a family with an average income, whereas the petitioner hails from a financially backward family. They first met when the respondent's mother was admitted to Lourdes Hospital, at which time the petitioner was employed at a scanning centre. Prior to the marriage, the petitioner had assured the respondent that she would provide proper care and attention to his ailing mother. However, after the marriage, the petitioner exhibited impulsive,

suspicious, and quarrelsome behaviour. She repeatedly doubted the fidelity of the respondent without any basis and frequently accused him of maintaining illicit relationships. She would fabricate stories, pointing to random female contacts on the respondent's Facebook page and mobile phone, and would convert trivial issues into serious quarrels. The petitioner often behaved erratically and created scenes even over insignificant matters. On one occasion, she threw her mobile phone at the respondent, stating that she could have married a better man. Contrary to her pre-marital assurances, she did not care for the respondent's mother nor did she assist in household chores. Under the unfounded belief that the respondent was involved with other women, the petitioner used to repeatedly call him during his working hours, continuously disturbing him. She frequently picked up quarrels over the phone and even resorted to physical assault. On one occasion, she threw glass plates at the respondent and attempted to hang herself. The neighbours overheard the incident, causing immense embarrassment and mental trauma to the respondent. On seeing a photograph of the respondent with the family of a female friend, the petitioner again accused him of having an extra-marital relationship and subjected him to continuous harassment, resulting in severe mental agony. She repeatedly threatened the respondent with suicide, using emotional blackmail in almost every aspect of their life. Some of the respondent's friends occasionally visited him and spent time on the first floor and open terrace of the house. Though this never caused any inconvenience to the petitioner, she demanded that he stop such visits. On one such occasion, she created a scene and physically assaulted the respondent in the presence of his friends.

When the matter was brought to the attention of the petitioner's parents, instead of resolving the issue, they humiliated the respondent, causing further mental hardship. When the respondent requested the petitioner to assist his mother with basic household chores, she became aggressive and verbally abused him. Subsequently, without any valid reason, the petitioner suddenly left the matrimonial home and went to reside with her parents. The petitioner later returned to attend the funeral of the respondent's mother and stayed with him for a few days, during which it was revealed that she was pregnant. For a short period thereafter, the relationship remained cordial, and the petitioner delivered a baby girl on 25.03.2020. However, after returning to the matrimonial home with the child, the petitioner again resumed her hostile behaviour. She began humiliating the respondent's father and revived her habitual suspicion and accusations. The petitioner interpreted even the respondent going out with friends as an opportunity for infidelity. She conceived again and delivered a baby boy on 10.01.2022. After the birth of the second child, the situation deteriorated further. The petitioner began physically assaulting the respondent, accusing him of maintaining illicit relationships. She demanded that the respondent's father be sent to an old-age home and frequently quarrelled over trivial matters to enforce the said demand. She became increasingly arrogant and often threw household articles at the respondent. Despite sincere efforts made by the respondent to reconcile and restore marital harmony, the petitioner remained uncooperative. The respondent informed the petitioner's parents, who visited the house but did not assist in resolving the issues. On the contrary, they supported the petitioner in lodging false complaints against the

respondent. Subsequently, the petitioner once again left the matrimonial home along with the children, taking all her belongings, including gold ornaments and other valuables. The respondent submits that he is still paying maintenance to the children. The parties have been living separately for the past two and a half years. Thereafter, in the respondent's absence, the petitioner forcibly entered the respondent's house and refused to vacate the premises, harassing the respondent and his father. After obtaining an order permitting her to reside in the matrimonial home, the petitioner also allowed her parents to occupy the house. The respondent approached the Palluruthy Police Station on multiple occasions seeking assistance. Though the respondent expressed his willingness to arrange alternate accommodation for the petitioner, she refused to vacate the premises and instead demanded a sum of ₹60,00,000/-(Rupees sixty lakhs only) as compensation. The respondent thereafter filed a petition for divorce before the Family Court, Ernakulam. It is only subsequent to the filing of the said divorce petition that the present application has been filed.

4. Heard both sides.

5. The only point that arises for consideration is -

(a) "Whether the petitioner is entitled to get interim ex parte orders as provided under Section 23 of the Act ?"

6. **The point** :-The petitioner, in her application, has alleged several instances of physical violence committed by the respondent. One such instance is stated to have occurred on 01.02.2020, wherein the respondent is alleged to have punched the

petitioner on her lip, sat on her abdomen, and slapped her on the face. The said allegation is supported by documents produced by the petitioner. The petitioner has produced treatment records from the General Hospital, Ernakulam, wherein the history of injury is recorded as “assault by husband.” It is further stated in the medical records that the petitioner was referred for suturing of the wound. The petitioner has further alleged that on several other occasions she was subjected to physical assault by the respondent. The petitioner has alleged that on 11.07.2023, the respondent, after consuming alcohol, woke up the children at an early hour, resulting in their inability to attend school. It is further alleged that when the matter was brought to the attention of the respondent’s father, the respondent assaulted the petitioner by banging her head against a wall.

7. So it is clear that prima facie the petitioner was being subjected to physical harassment and manhandling which squarely falls within the definition of domestic violence as provided under Section 3 of the Act. All the contentions raised by the respondent against the petitioner handing him physical violence and her conduct in their matrimonial relationship are matters which can be considered at the time of evidence. Now vide order dated 30.05.2025, this Court had already granted a protection order under Section 18 and a residence order under Section 19 of the Act. Now the allegations in the application shows that the respondent is not maintaining petitioner or the children. In this regard it is to be noted that the petitioner is working and is able to maintain herself. And if she is in need of some maintenance she can adduce evidence and claim it at a later stage. However the children are aged only 5

and 3 and the respondent is duty bound to provide for them. Considering the age of the children I am of the view that an amount of ₹5,000/- each(Rupees five thousand only) will be sufficient.

8. The application is accordingly allowed, and the interim orders granted vide Order dated 30/05/2025 is made absolute and in addition the respondent is directed to pay an amount of ₹10,000/- (Rupees ten thousand only) towards the maintenance of children.

Pronounced in open court on this the 15th December, 2025.

Sd/-

Judicial First Class Magistrate-II, Kochi (I/c)

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Judicial First Class Magistrate-II, Kochi (I/c)