

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

Present: Smt. Anju Cletus., Judicial Magistrate of First Class

Dated this the 25th day of April, 2026

CMP. NO. 1125/2024 IN MC No. 25 of 2024

Petitioner : Nahlah Shifabi, aged 28 years, W/o Ejas Isshaque, 72/3521, Kaipilli-Kunjukoch Lane, Pottakuzhi-Mamangalam Road, Kaloore P.O, Ernakulam.
(By Adv. M,B Sandeep)

Respondents :1. Ejas Isshaque, aged 35 years, S/o C.A Isshaque, 7A, Petronest Indian Oil Coop Society, Stadium Link Road, Kathrikadavu, Kaloore P.O, Ernakulam – 682017

2. C.A Isshaque, 7A, Petronest Indian Oil Coop Society, Stadium Link Road, Kathrikadavu, Kaloore P.O, Ernakulam – 682017

3. Fousiya Isshaque, W/o C.A Isshaque, 7A, Petronest Indian Oil Coop Society, Stadium Link Road, Kathrikadavu, Kaloore P.O, Ernakulam – 682017
(By Adv. Manoj Vasu)

Petition : U/s. 23(2) of Protection of Women from Domestic Violence Act, 2005

Order : Petition is allowed in part

ORDER

This is an application filed by the petitioner under section 23(2) of Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as 'DV Act').

2. Petition averments in brief is as follows. The petitioner is the legally wedded wife of the first respondent, and respondents 2 and 3 are her parents-in-law. Their marriage was solemnized on 07.11.2021 at Ernakulam according to Muslim

rites. At the time of marriage, the petitioner's parents entrusted 42 sovereigns of gold to her. After marriage, the petitioner resided in the matrimonial home along with the respondents. Twin girl children were born in the wedlock on 04.08.2022, and they are presently in the care and custody of the petitioner. The petitioner alleges that the respondents had projected themselves as financially affluent and respectable prior to marriage, but she later discovered that these representations were false. According to her, the first respondent subjected her to cruelty from the very inception of the marriage by insulting her and her parents, ridiculing her appearance, and habitually consuming alcohol and narcotic substances. She further alleges that respondents 2 and 3 also joined in humiliating and harassing her. It is specifically alleged that the respondents coerced the petitioner into parting with substantial quantities of her gold ornaments on various occasions, ostensibly to meet their financial needs, and thereafter misappropriated the same. The petitioner states that she was subjected to repeated demands regarding the sale proceeds of her parental house and was mentally harassed in connection therewith. After the first respondent left for Dubai for employment, the petitioner continued to reside with respondents 2 and 3. During this period, she was allegedly subjected to harassment by her mother-in-law, including interference with her privacy, forcing her to perform strenuous household work despite a high-risk twin pregnancy, and making derogatory remarks. The petitioner eventually returned to her parental home on 31.12.2021, fearing further ill-treatment. The petitioner further alleges that during her pregnancy, the first respondent repeatedly abused her in obscene language, questioned the paternity of the unborn

children, and even pressured her to terminate the pregnancy. She states that he also demanded money and additional gold from her during this period. Following the birth of the twins, the petitioner alleges that the first respondent continued his abusive conduct, including smoking in the hospital room despite medical objections, making false and scandalous allegations regarding her character, and demanding money from her family for hospital expenses. She also states that he threatened her with physical harm, including tearing her post-delivery stitches. The petitioner asserts that the first respondent thereafter neglected to provide adequate financial support for her and the children. She was subsequently diagnosed with rheumatoid arthritis, which rendered her unable to work. One of the children also suffers from recurrent febrile seizures requiring regular medical attention. Despite being financially capable and employed abroad, the first respondent allegedly refused to meet their medical and living expenses. The petitioner further contends that the first respondent subjected her to extreme verbal and emotional abuse, including threats to kill her and the children, insulting her appearance, and making degrading remarks about both her and the children. She also alleges that respondents 2 and 3 consistently supported the first respondent and blamed her for the marital discord. Finally, the petitioner states that on 15.04.2024, the first respondent came to her parental home and threatened to forcibly take custody of the children unless she agreed to a mutual divorce without making any claims. She contends that the cumulative acts of physical, verbal, emotional, and economic abuse committed by the respondents constitute domestic violence under the Protection of Women from Domestic Violence Act, 2005,

necessitating the filing of the present petition. The petitioner has filed an interim application under Section 23(2) of the Protection of Women from Domestic Violence Act, 2005, seeking urgent interim reliefs pending disposal of the main petition. She seeks protection orders restraining the respondents from committing any act of domestic violence, harassing, threatening, or contacting her and her family, either directly or through phone, social media, or any other means. She further seeks an order prohibiting the respondents from entering her parental residence and from disturbing her, her parents, and her siblings in any manner. The petitioner also seeks protection against any attempt by the respondents to forcibly remove the minor twin children from her custody. Additionally, the petitioner seeks an injunction restraining the respondents from alienating or dealing with 102.1 grams of gold ornaments and a sum of ₹40,377/- allegedly taken from her and her father. By way of monetary relief, the petitioner seeks interim maintenance of ₹50,000/- per month for herself and the two minor children, along with ₹25,000/- per month towards rental expenses for securing alternate accommodation. Lastly, she seeks police protection through the Station House Officer, Elamakkara Police Station, for effective implementation of the orders of the Court, together with such other reliefs as may be deemed just and proper.

3. Notice was ordered to the respondents. The first respondent entered appearance and filed a detailed objection resisting the application. Respondents 2 and 3 have adopted the contentions raised by the first respondent.

4. The first respondent has filed a detailed objection denying all allegations of domestic violence, cruelty, misappropriation of gold, and neglect made by the petitioner, except the factum of marriage and the birth of the twin children. He contends that the petitioner voluntarily left the matrimonial home without any justifiable cause and has been residing with her parents out of her own choice and adamant attitude. According to the first respondent, the marriage was initiated at the insistence of the petitioner. He alleges that the petitioner had approached him through an online platform, expressed her desire to marry him, and persuaded him to proceed with the alliance. He denies that his family misrepresented their financial status or social standing prior to marriage. The respondent specifically denies all allegations of cruelty, verbal abuse, alcohol or drug addiction, and insulting the petitioner or her family. He asserts that both he and his parents treated the petitioner with affection and care. He further denies that the petitioner was subjected to any harassment during her pregnancy or that his mother compelled her to perform strenuous household work. The allegations regarding misappropriation of gold ornaments are categorically denied. The respondent contends that all the gold ornaments remained in the custody of the petitioner herself and that neither he nor his parents ever demanded, received, or misappropriated any part of her gold. He also denies the allegations of abusive conduct during pregnancy, including questioning the paternity of the children, compelling abortion, or using obscene language. On the contrary, he alleges that the petitioner often provoked him, made false statements, and at times even suggested that the children were not his, causing him severe mental distress. The respondent

disputes the petitioner's claims regarding his income, stating that his salary was far lower than alleged. He further contends that he regularly provided financial support to the petitioner and the children, both before and after losing his job in Dubai. According to him, he resumed payments after obtaining fresh employment and has paid substantial amounts to the petitioner over time. He specifically denies the allegations relating to the petitioner's delivery, including smoking in the hospital, neglecting the children, making scandalous accusations regarding the petitioner's character, and demanding money from her family for hospital expenses. He asserts that he personally bore the medical expenses and took diligent care of both the petitioner and the newborns. The respondent further denies having threatened the petitioner, insulted her appearance, or made derogatory remarks about the children. He also denies any addiction to drugs or alcohol, and contends that the petitioner herself displayed unreasonable, quarrelsome, and provocative behaviour. According to the respondent, the petitioner has consistently obstructed his access to the children and has used them as leverage to extract money from him. He alleges that she communicates with him only when she requires financial assistance and refuses to allow him meaningful contact with the children. He further submits that he lost his employment in Dubai in June 2023 and remained unemployed until February 2025, during which period he survived with the assistance of friends. Despite his financial difficulties, he claims to have paid substantial sums, amounting to more than ₹4.5 lakhs, towards the maintenance of the petitioner and the children. In essence, the respondent contends that the petitioner has filed the present proceedings with ulterior

motives, primarily to obtain divorce and extract an exorbitant amount by way of maintenance and other monetary claims. He asserts that the petition is false, vexatious, and filed with unclean hands, and therefore prays for dismissal of the petition with costs.

5. Heard the learned counsel appearing for both sides. Perused the pleadings and materials placed on record.

6. At the stage of considering an application under Section 23 of the Act, this Court is not expected to conduct a detailed trial or record final findings on disputed questions of fact. The Court is only required to ascertain whether the petitioner has established a prima facie case warranting immediate interim protection and whether denial of interim relief would cause hardship or prejudice. The marital relationship between the parties and the birth of the twin minor children are admitted. It is also undisputed that the parties are presently living separately and that the minor children are in the custody of the petitioner. The allegations raised by the petitioner regarding acts of domestic violence, verbal abuse, threats, and economic deprivation are serious in nature. Though the same are denied by the respondents, such disputed questions can only be finally adjudicated upon after recording evidence. The materials presently available disclose that the petitioner, who is presently residing separately with two minor children, has raised a credible apprehension regarding interference by the respondents. The specific allegation regarding the incident dated 15.04.2024, wherein the first respondent allegedly threatened to take away the children, cannot be brushed aside at this interlocutory stage. In matters involving the

safety and emotional security of a woman and minor children, the Court must adopt a cautious and protective approach. The petitioner has also sought protection against alienation of gold ornaments and money allegedly entrusted to the respondents. Since the ownership and entrustment of the said articles are matters directly in issue in the main petition, it would be just and proper to preserve the subject matter pending final adjudication. As regards the claim for alternate accommodation, it is pertinent to note that the petitioner is presently residing in her parental home. At present, there is no material to show that she has incurred any rental liability or that immediate separate rented accommodation has been secured by her. Therefore, the prayer for interim rent cannot be granted at this stage. Coming to the claim for maintenance, the first respondent admits that he is employed abroad, though he disputes the income alleged by the petitioner. The existence of the legal obligation of the husband to maintain his wife and minor children cannot be disputed. The petitioner is admittedly unemployed and is taking care of two minor children. The welfare of the children is of paramount consideration. Taking into account the admitted marital relationship, the custody of two young children, the present cost of living, and the financial capacity of the first respondent, this Court is of the view that interim monetary relief is warranted. At the same time, the quantum claimed by the petitioner appears to be on the higher side at this interlocutory stage, particularly in the absence of documentary proof regarding the exact income of the first respondent. A balanced approach is therefore required.

In the result, this petition is allowed in part as follows:

- (i) The respondents are restrained from committing, aiding, or abetting any act of domestic violence against the petitioner.
- (ii) The respondents are restrained from entering the residence of the petitioner situated at 72/3521, Kaipilli-Kunjukochu Lane, Pottakuzhi-Mamangalam Road, Kaloor P.O., Ernakulam, except with prior permission of this Court or with the express consent of the petitioner.
- (iii) The respondents shall not harass, intimidate or threaten the petitioner, her parents, or her siblings in any manner, either directly or through telephone, electronic means, social media, or through third parties.
- (iv) The respondents are restrained from forcibly removing or attempting to remove the minor children, Eshal Marwa Ejas and Eyara Mariyam Ejas, from the custody of the petitioner, except under orders of a competent court.
- (v) The respondents are restrained from alienating, encumbering, transferring, or otherwise dealing with 102.1 grams of gold ornaments and the sum of ₹40,377/- alleged to be entrusted to them, pending disposal of the main petition.
- (vi) The first respondent shall pay interim maintenance at the rate of ₹15,000/- (Rupees Fifteen Thousand only) per month to the petitioner and the two minor children together, on or before the 10th day of every succeeding month, commencing from the date of this petition until further orders.
- (vii) The prayer for interim rental allowance is declined at this stage, reserving liberty to the petitioner to renew the request upon production of satisfactory materials.

(viii) The Station House Officer, Elamakkara Police Station, shall render necessary police protection for effective implementation of this order, if occasion so arises.

It is made clear that the observations contained in this order are purely prima facie in nature and shall not influence the final adjudication of the main petition on merits.

Pronounced by me in Open Court this the 25th day of April, 2025

Sd/-

Judicial First Class Magistrate-II, Aluva

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Judicial First Class Magistrate-II, Aluva