

**IN THE COURT OF THE JUDICIAL MAGISTRATE OF FIRST CLASS-I,  
PERUMBAVOOR**

**Present: Sri.Anish Babu M.B., Judicial Magistrate of First Class-I**

Tuesday the 1<sup>st</sup> day of April, 2025/ 11<sup>th</sup> Chaithra 1947

**CMP No. 1873/24 & CMP No.584/25 IN M.C. No.25/2024**

Petitioners/Petitioners	<ol style="list-style-type: none"> <li>1. Shafida M.P, Aged 28/24, D/o Late M.M. Pareed, Malayilan House, Mudickal P.O, Perumbavoor.</li> <li>2. Muhammed Hamizul Fuaad M.T (minor), Aged 6/24, S/o Thaslim M.H, Malayilan House, Mudickal P.O, Perumbavoor, represented by his mother 1<sup>st</sup> petitioner Shafida M.P</li> <li>3. Hayzan M.P (Minor), aged 2/24, S/o Thaslim M.H, Malayilan House, Mudickal P.O, Perumbavoor, represented by his mother 1<sup>st</sup> petitioner Shafida M.P <b>(By Adv. Ajeesh M. Ummar)</b></li> </ol>
Respondents/Respondents	<ol style="list-style-type: none"> <li>1. Thaslim M.H, Aged 41/24, S/o Late Hamsa, Mechery House, Sreemoolanagaram P.O, Near Rifaiya Juma Masjid, Kaipra, Aluva.</li> <li>2. Sainaba, Aged 59/24, W/o Late Hamsa, Mechery House, Sreemoolanagaram P.O, Near Rifaiya Juma Masjid, Kaipra, Aluva. <b>(By Adv.K.V.Vipin)</b></li> </ol>

These CMPs are coming for a hearing on 28.03.2025, and the court today passed the following:

**COMMON ORDER**

The petitioners in the MC file these petitions under Section 23 (2) of the Protection of Women from Domestic Violence Act 2005 (hereinafter referred to as 'the DV Act'). CMP 584/25 is specifically filed by the petitioners

in the MC with a prayer to reimburse the medical expenses incurred for the treatment of the 2nd petitioner in the MC.

2. The petitioners submitted the following: The 1st petitioner is the wife of the 1<sup>st</sup> respondent. Respondent No.2 is the mother-in-law of the 1<sup>st</sup> petitioner. The petitioners Nos. 2 & 3 are the children of the 1st petitioner and 1st respondent. The marriage of the 1<sup>st</sup> petitioner with the 1st respondent was solemnized on 03.05.2015 at Mudickal Jama-ath, Perumbavoor. At the time of marriage, the 1<sup>st</sup> petitioner was given 14.561 sovereigns of gold ornaments as her share. After the marriage, they started to live together as husband and wife at the house of the 1st respondent. The 1st petitioner entrusted the gold ornaments to the respondents as a trusty for the welfare and benefit of the 1st petitioner. After 6 months of the marriage, 1st respondent left to Qatar, where he was working at the time of marriage. The respondents sold 7.852 sovereigns of gold ornaments and her Mahar Chain with locket weighing 4.5 sovereigns (total 12.35 sovereigns) for completing the construction work of their new Tharavadu house, which was under construction at the time of marriage. After a few days, the respondents started to quarrel with the 1st petitioner over silly matters and also the 1st respondent manhandled her. When the 1st respondent was in Qatar, he used to shower all kinds of hatred and abuses over the phone at the instigation of the 2nd respondent. The 1st petitioner was not provided with any financial assistance by the 1st respondent. At the time of 1st pregnancy, the

respondents did not even care to take her to the hospital, which resulted in her suffering pain for a long time, and the doctor who attended her delivery also questioned the respondents for not taking her to the hospital in time. Because of the unbearable conditions in the matrimonial home, she was compelled to leave the house in August 2018. Though several attempts were made to settle the issues at the intervention of the well-wishers and Mahal, the respondents were not prepared to settle the matter amicably. Thereafter, the 1st petitioner was constrained to move a request before the Mudickal Jama-ath on 25.08.2020. It is further stated that the 2nd petitioner has been diagnosed with Systematic Onset Juvenile Idiopathic Arthritis, and he is under the treatment of Dr. Suma Balan at Amrita Institute of Medical Sciences, which costs approximately Rs. 25,000/- for regular and monthly injections and procedures. Presently, the mother of the 1st petitioner is spending such medical expenses, and the 1st petitioner and her mother have already incurred lakhs of rupees for the treatment of the 2nd petitioner by obtaining help from the relatives. The 1st petitioner had also moved MC 267/2020 before the Family Court, Ernakulam and OP No. 785/2020 before the Family Court, Muvattupuzha. Later, all those cases were withdrawn on account of the intervention of the relatives and Mahal Committees, and the 1st petitioner and 1st respondent resumed their matrimonial relationship. The second child (3rd petitioner) was born in wedlock on 15.07.2022, and they started to live in a rented house. The 1st respondent

also sold the remaining gold ornaments also. Again, the respondents committed physical and mental cruelties, and the 1st respondent was not willing to provide any amount to the petitioners for their livelihood. Though the 2nd petitioner requires constant and consistent treatment, the 1st respondent was not even ready to provide treatment. As the disease of the 2nd petitioner is serious, he needs a biological medication called 'Tocilizumab 200mg IV' monthly. The 1st respondent is not cared to take responsibility to provide the requisite treatment to the 2nd petitioner. If no proper treatment is given, there is a chance for the 2nd petitioner to be in bed for the rest of his life. On 17.04.2024, the 1st respondent brutally assaulted the 1st petitioner when she questioned him for not giving proper treatment to the 2nd petitioner, and she also sustained injuries, including her right eye. A crime No. 353/2024 by the Kalady Police was also registered against the 1st respondent in the incident. The 1st petitioner has no income or assets to meet the living expenses of the petitioners and also the treatment expenses of the 2nd petitioner. The mother of the 1st petitioner is also aged and not in a position to provide further financial assistance to the petitioners. The 1st respondent is an able-bodied man and works as an electrical contractor and also fetches not less than Rs. 75,000/- per month. The 1st petitioner requires Rs. 10,000/- for her basic necessities of life, the 2nd petitioner requires Rs. 25,000/- towards his medical expenses and another Rs. 5,000/- for his basic necessities, and the 3rd petitioner needs Rs. 5,000/- for his

livelihood. Apart from that, the respondents are bound to return 19 sovereigns of gold ornaments or their present market value. The petitioners also demand alternative accommodation or to provide Rs. 7,500/- towards rent. Hence the petition.

3. CMP No.584/25 is filed by the petitioners with a prayer to give a direction to the 1st respondent to pay Rs. 45,333/- to the 1st petitioner towards the medical expenses of the 2nd petitioner. The 1st petitioner also filed an additional affidavit stating that she had obtained a job for 11 months in a school, and the same has been terminated on the 21st of March. She has no other income now. She is now incurring nearly Rs. 16,000/- per month towards the medical expenses of the 2nd petitioner.

4. The respondents filed a counterstatement in both the petitions as follows: -

According to the respondents, both these petitions are not maintainable either in law or on facts and the same are filed on an experimental basis. The respondents admitted the marriage of the petitioner with the 1<sup>st</sup> respondent and the paternity of the children. The respondents have not utilised the gold ornaments of the 1st petitioner for their own and also not harassed the 1st petitioner as alleged. The 1st petitioner and her mother are quarrelsome persons and usually utter obscene words. The husband of the mother-in-law also left the home due to her behaviour. The 1st petitioner always scolded the 2nd

respondent with bad words, which resulted in to shift of the residence to a rental house. The 1st respondent is also still paying Rs. 7,000/- towards rent. At the instance of the 1st petitioner, the 1st respondent had terminated his job abroad. The 1st petitioner had left him on an earlier occasion during the year 2018 and again resumed the matrimonial relationship at the intervention of the Mahal Committee. Now the 1st respondent is doing the job of an Electrician. The 1st respondent has many physical ailments, and he is doing his job only for 15 to 20 days in a month. He is getting only 700-800 rupees in a day and is earning only Rs. 10,000/- to 15,000/- per month. The 1st respondent has no other source of income. The 1st respondent had spent all his earnings he got from the job abroad on the treatment expenses of his child. It is for the careless attitude of the 1st petitioner; the disease of the 2nd petitioner has not been cured yet. The 2nd respondent is taking her treatment for Thyroid at Aster Medicity and Karothukuzhy Hospital, which requires Rs. 5,000 per month. Further, the 1st petitioner is working as a teacher at Heaven Play School and she is earning Rs. 18,000/- per month. The 1st petitioner has not disclosed the same before this court. The 1st respondent is not in a position to give any maintenance to the 1st petitioner, and he is ready to maintain the petitioners if they are willing to reside with him. With respect to the prayer in CMP No. 584/2024, the respondents have stated that the child has the disease by birth and further have contended that the 1st respondent had given proper treatment to the child. The 1st

respondent was used to give an injection worth Rs. 15,000/- every 2 months, and when he had faced financial stringency, he used to purchase the medicine from the Karunya Scheme of the Kerala Government. The 1st petitioner never attempted to purchase the medicines from the Karunya Scheme, and she opted to continue the treatment at Amrita Hospital, which is so expensive. The 1st respondent is trying to derive money from the 1st respondent. The 1st respondent further stated that he is ready to bear part of the medical expenses of the child. Hence prays to dismiss both the petitions.

5. Heard the learned counsel on both sides.

6. The points that arise for determination are: -

1. Whether these applications be allowed?
2. If so, on what terms?

7. **Point Nos 1 and 2:** - For the sake of convenience, both points are considered together. The question to be decided is whether the wife and her minor children can claim interim maintenance from the 1st respondent, husband /father. As per Section 2 (b) of the DV Act, “child” means any person below the age of eighteen years and includes any adopted, step or foster child. Section 20 (1)(d) stated that the maintenance for the aggrieved person as well as her children, if any, including an order under or in addition to an order of maintenance under section 125 of the Code of Criminal Procedure, 1973 (2 of

1974) or any other law for the time being in force. So, there is no doubt that the children are also entitled to maintenance from the 1st respondent, the biological father.

8. The prime question is whether prima facie the allegations of physical, mental, and economic harassment have been established by the petitioners. The petitioner filed a petition under Section 12 of the DV Act, seeking relief under Sections 18 to 20 & 22 of the said Act. According to the 1st petitioner, her marriage with the 1st respondent was solemnized on 03.05.2015 at Mudickal Juma-ath, Perumbavoor. Two children (petitioners Nos 2 & 3) were born in wedlock. According to the 1st petitioner, she was given 14.561 sovereigns of gold ornaments as her share. It is averred that the 1st petitioner entrusted the gold ornaments to the respondents as a trusty for the welfare and benefit of the 1st petitioner. After the marriage, they started to live together as husband and wife at the house of the 1st respondent. After a few days, the respondents started to quarrel with the 1st petitioner over silly matters and also the 1st respondent manhandled her. When the 1st respondent was in Qatar, he used to shower all kinds of hatred and abuses over the phone at the instigation of the 2nd respondent. The 1st petitioner was not provided with any financial assistance by the 1st respondent. It is also specifically averred that the respondents sold 7.852 sovereigns of gold ornaments and her Mahar Chain with

locket weighing 4.5 sovereigns (total 12.35 sovereigns) for completing the construction work of their new Tharavadu house, which was under construction at the time of marriage. At the time of 1st pregnancy, the respondents did not even care to take her to the hospital, which resulted in her suffering pain for a long time, and the doctor who attended her delivery also questioned the respondents for not taking her to the hospital in time. Because of the unbearable conditions in the matrimonial home, she was compelled to leave the house in August 2018. The 1st petitioner had also moved MC 267/2020 before the Family Court, Ernakulam and OP No. 785/2020 before the Family Court, Muvattupuzha. Later, all those cases were withdrawn on account of the intervention of the relatives and Mahal Committees, and the 1st petitioner and 1st respondent resumed their matrimonial relationship. It is further stated that the 2nd petitioner was diagnosed with Systematic Onset Juvenile Idiopathic Arthritis, and he is under the treatment of Dr. Suma Balan at Amrita Institute of Medical Sciences, which costs approximately Rs. 25,000/- for regular and monthly injections and procedures. Presently, the mother of the 1st petitioner is spending such medical expenses, and the 1st petitioner and her mother have already incurred lakhs of rupees for the treatment of the 2nd petitioner by obtaining help from the relatives. The 1st respondent also sold the remaining gold ornaments also. Again, the respondents committed physical and mental cruelties, and the 1st respondent was not willing to provide any amount to the

petitioners for their livelihood. Though the 2nd petitioner requires constant and consistent treatment, the 1st respondent was not even ready to provide treatment. On 17.04.2024, the 1st respondent brutally assaulted the 1st petitioner when she questioned him for not giving proper treatment to the 2nd petitioner, and she also sustained injuries, including her right eye. A crime No. 353/2024 by the Kalady Police was also registered against the 1st respondent in the incident.

9. In contra, the respondents have contended that they have not committed any kind of domestic violence as alleged. The respondents admitted the marriage of the petitioner with the 1<sup>st</sup> respondent and the paternity of the children. The respondents have not utilised the gold ornaments of the 1st petitioner for their own and also not harassed the 1st petitioner as alleged. The 1st petitioner and her mother are quarrelsome persons and usually utter obscene words. The 1st petitioner always scolded the 2nd respondent with bad words, which resulted in to shift of the residence to a rental house. The 1st respondent is also still paying Rs. 7,000/- towards rent. At the instance of the 1st petitioner, the 1st respondent had terminated his job abroad. The 1st petitioner had left him on an earlier occasion during the year 2018 and again resumed the matrimonial relationship at the intervention of the Mahal Committee.

10. A conjoint evaluation of the averments in the affidavit filed by the

petitioners reveals that it is for the second time the 1st petitioner herein is constrained to approach the court against the harassment of the respondents herein. A crime No. 353/2024 has already been registered against the respondents under Section 498A of the Indian Penal Code, 1860 by the Kalady Police. Though the respondents have simply denied the specific contentions raised in the petitions, the 1st petitioner has pinpointed various instances of domestic violence on the part of respondents 1 & 2 and has realised the pathetic situation of the first petitioner's trauma while residing in the matrimonial home and also in the rented house. I am satisfied that the application prima facie discloses that the respondents are committing acts of domestic violence against the petitioner. In the case at hand, it is also prayed that the 1<sup>st</sup> respondent may be directed to give interim monthly maintenance of Rs. 10,000/- for her basic necessities of life for the 1st petitioner, Rs. 25,000/- towards the medical expenses and another Rs. 5,000/- for the basic necessities of the 2nd petitioner, and Rs. 5,000/- for the livelihood of the 3rd petitioner.

11. The learned counsel for the respondents vehemently submitted that the 1st petitioner herein is working as a teacher at Heaven Play School and she is earning Rs. 18,000/- per month. Further, the 1st petitioner has not disclosed the same before this court, and hence none of the prayers in these petitions can be entertained by this court. On verification of the materials, it is revealed that the 1st petitioner herein has filed two Statements of Assets and Liabilities on

her behalf. In the first statement dated 25.05.2024 (though the Section 12 petition has been moved on 27.05.2024), the 1st petitioner had affirmed that she is not getting any income from any source. Subsequently, the 1st petitioner also filed another Statement of assets and Liabilities on 01.03.2024, disclosing that she is working as a teacher at Heaven's Pre School, Ponjassery and is getting Rs. 4,000 as monthly income. The 1st petitioner also filed an additional affidavit stating that she had obtained a job for 11 months in a school, and her job was terminated on the 21st of March. Further, the 1st petitioner has sworn that she has no other income now. In support of her contentions, the 1st petitioner has produced a Certificate dated 14.03.2025 issued by the Principal of Heavens Preschool, Ponjassery. On perusal of the same, it is revealed that the 1st petitioner has been working as a teacher trainee from 27.05.2024 to 21.03.2025 and having been given a stipend of Rs. 4,000/- per month. The Hon'ble Apex Court of India in **Rajnish Vs. Neha, reported as AIR 2021 SC 569: (2021) 2 SCC 324** has held that if during the course of proceedings, there is a change in the financial status of any party or there is a change of any relevant circumstances, or if some new information comes to light, the party has to submit an amended/supplementary affidavit. It is to be noted here that the first petitioner has already disclosed her present financial position by way of an additional affidavit with supporting documents. Moreover, this court cannot find any fault with the first petitioner for not disclosing any income on

27.05.2024 (the date of presentation of the Section 12 petition) as she had just joined the education institution as trainee on that day and it cannot be even assumed that she had derived any income on the day of her appointment day itself. **The Hon'ble High Court of Kerala, very recently, in Jayaprakash E. P. v. Sheney P., reported as 2025 KHC OnLine 92**, has held that 'wife's temporary job, even if it provides some income, would not disentitle her to claim maintenance from her husband if she asserts that the said income is insufficient for her maintenance'. So, even if, it is proved that the 1st petitioner has earned Rs. 4000/- per month as traineeship stipend, that would not certainly be sufficient to maintain herself and two children after deducting the expenses towards travelling cost. It is also well settled that the father cannot be absolved from his legal liability to maintain his child, even if the mother earns a certain income.

12. Recently, the **Hon'ble Apex Court of India in Anju Garg v. Deepak Kumar Garg, reported as 2022 ICO 2133: 2022 (7) KHC SN 10**, has held as follows;

'Though it was sought to be submitted by the learned Counsel for the Respondent, and by the Respondent himself that he has no source of income as his party business has now been closed, the Court is neither impressed by nor is ready to accept such submissions. **The Respondent being an able-bodied, he is obliged to earn by legitimate means and maintain his wife and the minor child.**'

From the averments made in the affidavit filed by the petitioners and also from the Statement of Assets & Liabilities filed by the 1st respondent himself, it

is clear that the 1st respondent herein is an able-bodied person and is capable of earning sufficient income. When the husband/father has the ability to earn a better livelihood, he has the liability to look after the wife/child on par with his decency. It is well settled that maintenance laws have been enacted as a measure of social justice to provide recourse to dependent wives and children for their financial support, so as to prevent them from falling into destitution and vagrancy. **The Hon'ble Apex Court of India in Rajnesh Vs. Neha, reported as AIR 2021 SC 569: (2021) 2 SCC 324** has held as follows;

‘The rationale of granting maintenance from the date of application finds its roots in the object of enacting maintenance legislations, so as to enable the wife to overcome the financial crunch which occurs on separation from the husband. Financial constraints of a dependant spouse hampers their capacity to be effectively represented before the Court. In order to prevent a dependant from being reduced to destitution, it is necessary that maintenance is awarded from the date on which the application for maintenance is filed before the concerned Court.’

It was also held by the Hon'ble Supreme Court of India that the Magistrate shall have the power to order an appropriate lump sum payment or monthly payments of maintenance, as the nature and circumstances of the case may require. Very recently, the **Hon'ble Apex Court of India in Usha Rani N. v. Moodudula Srinivas, reported as 2025 KHC OnLine 6107 (SC)**, has held that ‘it is settled law that social welfare provisions must be subjected to an expansive and beneficial construction and this understanding has been extended to maintenance’. It has also held that ‘it must be borne in mind that the right to maintenance under Section 125 CrPC is not a benefit received by a wife but

rather a legal and moral duty owed by the husband.’

13. It is also affirmed by the 1st petitioner that the 1st respondent is an able-bodied man and works as an electrical contractor and also fetches not less than Rs. 75,000/- per month. According to the 1st respondent, he is presently doing the job of an Electrician. He has many physical ailments, and hence he will be able to do his job only for 15 to 20 days in a month. He is getting only 700-800 rupees in a day and is earning only Rs. 10,000/- to 15,000/- per month. The 1st respondent has no other source of income. The 1st respondent had spent all his earnings he got from the job abroad on the treatment expenses of his child. Very recently, **the Hon’ble High Court of Kerala in Haseena v. Suhaib, reported as 2025 (1) KHC 543: 2025 (1) KLT 531**, has held that (Para.5);

‘However, absolutely no piece of evidence has been produced by the respondent to prove where he works now and what his income is, which is a fact within his exclusive knowledge. Even though the respondent has taken up a contention that he is suffering from various ailments, no document has been produced to prove the same. An able - bodied husband must be presumed to be capable of earning sufficient money to maintain his wife and children and cannot contend that he is not in a position to earn sufficiently to maintain his family. The onus is on the husband to establish with necessary material that there are sufficient grounds to show that he is unable to maintain the family and discharge his legal obligations for reasons beyond his control. If the husband does not disclose the exact amount of his income, an adverse inference may be drawn by the Court.’

Though he stated certain liabilities towards repayment of gold loan in his Statement of Assets and Liabilities, no proof has been produced. Though he

contended that he is still paying Rs.7,000/- towards rent, no documentary proof has been produced. Though he contended that he is suffering from various physical ailments, no documentary materials have been produced to substantiate the same. Though he claimed that his mother, 2nd respondent, needs Rs. 5,000/- monthly for her treatment, no proof has been produced. Though the 1st respondent has filed his 3 years of bank statements, interestingly, the same is not in any way reflecting the credit of any amounts that are commensurate with his disclosed income in his statement of Assets and Liabilities. So, the contention of the 1st respondent that he is getting only Rs.10,000/- to 15,000/- per month is not at all believable. Hence it can be presumed at the moment that the respondent is capable of generating income more than what is mentioned in his statements of Assets and Liabilities. It is also pertinent to note here that the 1st respondent has specifically stated in his counter-statement that he is ready to maintain the petitioners if they are willing to reside with him. The adamant statement of the 1st petitioner itself shows that the intention of the 1st respondent is only to squeeze the 1st petitioner financially and thereby pressurise her to adjust her life with the 1st respondent, even though she has been undergoing a traumatic life that has been projected in the Section 12 petition.

14. The first petitioner has also moved a petition, CMP No.584/25 with a prayer to give a direction to the 1st respondent to pay Rs. 45,333/- to the 1st

petitioner towards the medical expenses of the 2nd petitioner. It is specifically mentioned in CMP No.584/25 and in the Section 12 petition that her child, the 2nd petitioner has been diagnosed with Systematic Onset Juvenile Idiopathic Arthritis, and he is under the treatment of Dr. Suma Balan at Amrita Institute of Medical Sciences, which costs approximately Rs. 25,000/- for regular and monthly injections and procedures. The 2nd petitioner requires constant and consistent treatment, and as the disease of the 2nd petitioner is serious, he needs a biological medication called ‘Tocilizumab 200mg IV’ monthly. The 1st respondent is not cared to take responsibility to provide the requisite treatment to the 2nd petitioner. If no proper treatment is given, there is a chance for the 2nd petitioner to be in bed for the rest of his life. With respect to the prayer in CMP No. 584/2024, the respondents have stated that the **child has the disease by birth** and further have contended that the 1st respondent had given proper treatment to the child. The 1st respondent was used to give an injection worth Rs. 15,000/- every 2 months, and when he had faced financial stringency, he used to purchase the medicine from the Karunya Scheme of the Kerala Government. So, the 1st respondent is well aware of the health conditions of the 2nd petitioner. It is also revealed that the 1st respondent has not paid any amount towards the medical treatment of 2nd petitioner. The 1st respondent further stated in the objection to CMP No. 584/2025 that he is ready to bear part of the medical expenses of the child. According to the learned counsel for the

respondents, as the mother, 1st petitioner is earning sufficient income, his client is not liable to pay the entire amount incurred by the 1st petitioner towards the treatment of the 2nd petitioner. This has already held in the preceding paragraph that even if, it is proved that the 1st petitioner has earned Rs. 4000/- per month as traineeship stipend, that would not certainly be sufficient to maintain herself and two children after deducting the expenses towards travelling cost. Moreover, following the dictum in the **Jayaprakash case (Supra)** by the Hon'ble High Court of Kerala, there is no substance in taking the meagre income that the 1st petitioner had derived while working as a trainee apprentice. It is also revealed that the 1st respondent is not paying any single penny towards the treatment of the 2nd petitioner for more than a year. The 1st petition has also produced the requisite medical bills also. Hence this court is of the considered opinion that the 1st respondent has to repay the entire claim amount of Rs. 45,333/- to the 1st petitioner towards the medical expenses of the 2nd petitioner. The CMP No. 584/2025 is allowed. It is an undisputed fact that the 2nd petitioner requires a medicine called 'Tocilizumab 200mg IV' monthly. The costs of the medicine is Rs. 13,600/- per month after discount and also requires Rs. 250/- per month for monitoring procedure. The Doctor, Smt. Suma Balan, attached to Amrita Institute of Medical Sciences has also certified the same. Certainly, the 1st petitioner has to bear consultation fees also. As the 2nd petitioner is taking his treatment at Amrita Institute of Medical Sciences under a

specialised doctor, it is not advisable to shift his treatment to any other hospital as suggested by the learned counsel for the respondents, especially, if no proper treatment is given, there is a chance for the 2nd petitioner to be in bed for the rest of his life. Hence, considering the nature of treatment that is being undergone by the 2nd petitioner, this court is fixing an amount of Rs. 15,000/- per month for the same and the same has to be paid by the 1st respondent till the 2nd respondent recovers from the disease. As the costs of the medicines till 16.01.2025 are covered in CMP No. 584/2025, the 1st respondent needs to pay Rs. 15,000/- w.e.f 17.02.2025 onwards only. Considering the essential expenses towards food, clothing, educational expenses etc, of the 2nd petitioner, he is entitled to get another total amount of Rs. 2,500/- per month as interim maintenance in addition to the medical expenses.

15. Though the 1st respondent is maintaining his life, he pretends to have insufficient means in order to avoid his responsibility to maintain the petitioners, who are none other than his wife and children. It is really a heart-wrenching situation that a lady is undergoing a pathetic lifestyle even though her able-bodied husband and mother-in-law are leading their normal life without considering the plight of these stranded human beings. There is nothing to indicate that the 1st respondent has that much income to provide alternative accommodation to the petitioners at this stage, and hence the prayer will be considered at the time of final disposal of the MC. It is also revealed that the 1st

respondent is not even complying with the ad-interim order of providing interim maintenance to the petitioners regularly. Considering the essential expenses towards food, clothing, medical expenses, etc, of the 1st petitioner, a total amount of Rs. 5,000/- per month is awarded as interim maintenance. Likewise, considering the essential expenses towards food, clothing, medical expenses, etc, of the 3rd petitioner, a total amount of Rs. 1,500/- per month is awarded as interim maintenance. Hence, an interim order is passed as follows until further orders:

1. The respondents are restrained from harassing the petitioners, either physically or emotionally and from committing any act of domestic violence;
2. The respondents are restrained from causing violence to the petitioners, other relatives or any person who gives the petitioners assistance from domestic violence;
3. The 1st respondent is directed to pay an amount of Rs.5,000/- (Rupees Five Thousand only) per month to the 1st petitioner, ₹2,500/- (Rupees Two Thousand Five Hundred Only) per month to the 2nd petitioner and ₹1,500/- (Rupees One Thousand and Five Hundred Only) per month to the 3rd petitioner towards interim maintenance w.e.f. the date of filing of this petition. The amount shall be paid to the first petitioner on or before the 10th day of every month for and on behalf of petitioner Nos.2 & 3 also. The arrears if any, accrued shall be paid within a month from the date of this order;

4. In addition to the monthly interim maintenance of ₹2,500/- (Rupees Two Thousand Five Hundred Only) to the 2nd petitioner as mentioned above, the 1st respondent is directed to pay ₹15,000/- (Rupees Fifteen Thousand Only) per month w.e.f 17.02.2025 to the 1st petitioner towards the medical expenses of the 2nd petitioner. The arrears if any, accrued shall be paid within a month from the date of this order;
5. CMP No.584/2025 is allowed and the 1st respondent is directed to pay Rs. 45,333/- to the 1st petitioner towards the medical expenses of the 2nd petitioner incurred by her and the same shall be paid within 10 days from the date of this order;
6. The SHO, Perumbavoor Police Station is directed to give necessary assistance if found necessary.
7. The petitions are allowed accordingly.

Pronounced by me in Open Court this the 1<sup>st</sup> day of April, 2025.

sd/-

**Judicial Magistrate of First Class-I  
Perumbavoor**