

IN THE COURT OF THE JUDICIAL MAGISTRATE OF FIRST CLASS, KALAMASSERY

Present: Smt.Jaiby Kuriakose, Judicial Magistrate of 1st Class

Dated, this the 24th day of October, 2025

C.M.P 1640/2025 in M.C 60/2019

Petitioner/ Petitioner	1. Nisha aged 35 years, D/o K.K Sreedharan, residing at Kallepadath House, Eloor South, Udyogamandel P.O, Ernakulam.
	(By Adv.Prasanth K.T)
Respondent/ Respondent 1 to 4	1. Preeju aged 44 years, S/o V.K Valsan, Vazhur House, Mapranam, Madayikonam P.O, Mukunthapuram Taluk, Thrissur, Pin 680 712. 2. V.K Valsan Vazhoor House, Maapranam P.O, Madayikonam, Thrissur, Pin - 680 712 3. Santha Valsan, W/o Valsan, Vazhoor house, Maapranam P.O, Madayikonam, Thrissur, Pin - 680 712 4. Preethi, D/o Valsan, Vazhoor House, Maapranam P.O, Madayikonam, Thrissur, Pin - 680 712
	(By Adv.Nelson Abraham)

ORDER

This is an petition filed under order V rule 20 of C.P.C by the counsel for the petitioner.

2. According to the petitioner, respondent no. 4 is purposefully evading notice on many occasions. The petitioner cannot serve the notice in an ordinary way. Respondent no. 4 is available in the locality. It is absolutely necessary to issue substitute service against respondent no. 4 by affixure and replication.

3. Respondent objected the petition on following grounds:-
Objection filed by Respondent no. 1 contending that there is a specific order on 24.04.2025 that the petitioner shall take steps in correct address of Respondent no.4 as last stance. But the petitioner has not complied the order. Respondent no. 1 has filed a CMP 237/2023 to strike off the respondent no. 4 from the party array. Respondent no. 4 is permanently residing with her husband abroad and she has no connection with respondent no. 1 to 3. MC is in the year 2019. Petitioner has failed to take steps to issue

notice to Respondent no.4 in time. There is no merit in the petition and petition is only liable to be dismissed.

4. Heard.

Hence, the only point to be considered is:

Whether the petition is to be allowed:-

5. According to the petitioner, direct personal service of the notice is not feasible. Respondent also admitted that petitioner has not taken steps to serve the notice to Respondent No.4 MC is of the year 2019. From the perusal of the records, it is clear that Respondent No. 4 is reported to be abroad. Protection of Women from Domestic Violence Act requires that notice must be served on the respondent. Section 28 of the PWDV Act provides that this court could adopt its own procedure for the disposal of the application under Section 12 of the PWDV Act. From the records, I am satisfied that service of notice to Respondent No 4 is not possible in ordinary way. According to Respondent No 1, respondent no. 4 is abroad with her husband. From the perusal of the records, I find that the petitioner has specific allegations against respondent no. 4. That respondent no. 4 has committed domestic violence. Therefore the service of notice to Respondent No.4 is necessary. Hence I find that the petition is only to be allowed for the just disposal of the case.

In the result, the petition is allowed. That petitioner shall take steps to issue notice to Respondent No.4 through paper publication in Malayala Manorama daily in the locality where Respondent No.4 known to have last visited or worked.

Produce draft of paper publication.

(Dictated to the Confidential Asst, transcribed by her, corrected by me and pronounced in open court this the 24th day of October, 2025)

Judicial Ist Class Magistrate, Kalamassery