

COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE – I , HOSDURG

Present: Sri. Abdul Rasik.C, Judicial First Class Magistrate-I, Hosdurg

Dated this the 7th day of October, 2025/ 15th day of Aswina 1947

CMP No. 1239/2025 in MC 45/2025

Petitioner	:	Mumtaz.M.C, Aged 33 years, D/o Yusuf.M.T.P, W/o Rafi Peringalam, M.C House, Thaikeel, Trikaripur.P.O, South Trikaripur Village, Hosdurg Taluk, Kasaragod (District) (Within the limits of Chandra P.S.) (Represented by Smt. M.Shobhana, Advocate, Hosdurg)
Respondents	1.	Rafi Peringalam, Aged 41 years, S/o Mangaladu Mammootty
	2.	Khadeeja Peringalam, Aged about 62 years, W/o Mangaladu Mammootty, Both are R/at Peringalam, Pandrandil, Mavilakadappuram.P.O, Valiyaparamba Village, Hosdurg Taluk, Kasaragod (District) (Within the limits of Chandra P.S.) (Represented by Sri.C.Shukkur, Advocate, Hosdurg)

ORDER

Petition filed by the petitioner u/s. 23 (2) of the Protection of Women from Domestic Violence Act, 2005 (Hereinafter the Act).

2. **Brief facts as per the petition:-** The petitioner is the legally wedded wife of the respondent No. 1. After marriage, they lived together as husband and wife in the matrimonial house. There is a child born out of the said wedlock. The petitioner was subjected to domestic violence by the respondents. The petitioner has no independent income. She is depending her parents for livelihood.

3. The respondent No. 1 is a driver cum delivery boy in a company in

Dubai and he is earning more than Rs.1,00,000/- (One Lakh Rupees only) per month. The child is an autistic. In spite of ample means, the respondent No. 1 is not maintaining the petitioner and child. She needs an amount of Rs.15,000/- (Fifteen Thousand Rupees only) each to the petitioner and child towards monthly maintenance. She also needs an amount of Rs.7000/- (Seven Thousand Rupees only) towards alternative accommodation. Hence, the petition.

4. The respondents filed counter statement.

5. **Brief facts as per the counter statement:** The petition is false, frivolous, vexatious, and not maintainable. The marriage and domestic relationship are admitted. All other averments in the petition are denied. The respondents have not committed any domestic violence against the petitioner. The petitioner is a tailor and is earning around Rs.15,000/- (Fifteen Thousand Rupees only) per month. The respondent No. 1 is earning an amount of Rs.30,000/- (Thirty Thousand Rupees only). He has to maintain his aged parents and relatives. Hence, it is prayed to dismiss the petition.

6. Heard both sides. Perused the records.

7. The following points were arisen for consideration:

- 1) *Whether the petitioner is entitled for an interim protection order u/s.18 (a) of the Act?*
- 2) *Whether the petitioner is entitled for an interim order directing the respondent No. 1 to pay an amount of Rs.15,000/- (Fifteen*

Thousand Rupees only) each to the petitioner and child as monthly maintenance u/s.20(1)(d) of the Act?

3) Whether the petitioner is entitled for an interim order directing the respondent No. 1 to secure an alternate accommodation or to pay an amount of Rs. 7,000/- (Seven Thousand Rupees only) as rent u/s. 19 (f) of the Act?

4) Reliefs and costs?

8. **Point No. 1** :- There is no dispute regarding the domestic relationship between the parties. Upon perusal of the petition and accompanying affidavit, it is evident that the petitioner has alleged several instances of domestic violence, both physical and mental, with specific dates mentioned therein. Whether such instances of domestic violence alleged by the petitioner are true or not can only be finally concluded after evidence. However, at this stage, there exist prima facie materials indicating that the respondents have subjected the petitioner to acts of domestic violence, and she has expressed an apprehension of its repetition. In these circumstances, the petitioner is entitled to an interim protection order restraining the respondents from committing any further acts of domestic violence. Accordingly, this point is found in favour of the petitioner.

9. **Point No. 2** :- The petitioner claimed an amount of Rs.15,000/- (Fifteen Thousand Rupees only) each to the petitioner and child towards monthly maintenance. It is submitted by her that she has no avocation and the respondent No. 1 is a driver cum delivery boy in a

company in Dubai and he is earning more than Rs.1,00,000/- (One Lakh Rupees only) per month. On the other hand, the learned counsel for the respondents contended that the petitioner is working and she is earning income and that she does not need any amount claimed for. Admittedly, the respondent No. 1 is working in Dubai and is earning Rs.30,000/- (Thirty Thousand Rupees only). It is averred by the petitioner that she has been subjected to domestic violence. The respondent No. 1 is duty bound to maintain the petitioner. At this stage, no detailed evaluation of the fact is warranted. No materials have been produced by the respondents to show that the petitioner is having a job and she is earning income. Considering the reasons aforementioned, this court is of the opinion that the petitioner is entitled for an amount of Rs.5,000/- (Five Thousand Rupees only) each to the petitioner and child towards their monthly maintenance. Needless to say that the petitioner is entitled to enhance the maintenance amount after the completion of the proceedings, if needed. Therefore, this point is found in favour of the petitioner.

10. **Point No. 3**:- The next claim is for alternate accommodation or to pay rent. The counsel for the petitioner submitted that she is not pressing the relief at this stage. Hence, this point is found against the petitioner.

11. **Point No. 4** :- Based on the findings in points No. 1 to 3, the

petition is partly allowed as follows until further orders:-

- 1) The respondents are hereby prohibited from committing any sort of physical abuse, emotional or verbal abuse on the petitioner.*
- 2) The respondent No. 1 is directed to pay an amount of Rs.5,000/- (Five Thousand Rupees only) each to the petitioner and the child as monthly maintenance with effect from the date of petition.*
- 3) The relief No. 3 is disallowed.*
- 4) The S.H.O concerned shall assist the petitioner in implementing direction No. 1 in this order on a written petition filed by the petitioner on that behalf.*
- 5) Issue a copy of this order to the petitioner and respondent.*

(Dictated to the Confidential Assistant typed by her, corrected and pronounced by me in open court, this the 7th day of October, 2025.)

Sd/-
Judicial First Class Magistrate-I
Hosdurg

//True Copy//

Judicial First Class Magistrate-I
Hosdurg