

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

**Present:- Smt. Ali Fathima.N.S.
Judicial First Class Magistrate –I, Vatakara**

Dated this the 12th day of June, 2026

CMP No. 1/2026 in MC 19/2026

Petitioner	:	1.	Bhavana Rajan.T.K, Aged. 52/26, W/o. Vivek V.R, Vaishnavam, Govt. Hospital Road, Near Model Poly Technic, Nut Street, Vatakara, Pin – 673 104. (By Adv. Arjun Sreedhar & Sooraj K)
Respondents	:	1.	Vivek.V.R, Aged. 57/26, S/o. V. R. Krishnan, Vaishnavam, Govt. Hospital Road, Near Model Poly Technic, Nut Street, Vatakara, Pin – 673 104.
		2.	U.Shobana, Age abt.72/26, W/o.V.R. Krishnan, Vaishnavam, Govt. Hospital Road, Near Model Poly Technic, Nut Street, Vatakara, Pin – 673 104. (By Adv. Anusree V K & Prembhas Babu C P)

ORDER

This Petition was filed by the Petitioner under section 23 of the Protection of Women from Domestic Violence Act, 2005, for granting protection order, residence order and other interim reliefs pending final adjudication.

2. Petition averments, in brief, are as follows:- Petitioner is the wife of Respondent No.1 and Respondent No.2 is the mother- in- law of the petitioner. The marriage between the parties was solemnized on 14.09.1996, and two

children were born out of the said wedlock. The Petitioner was subjected to repeated physical and emotional abuse by the Respondents and the Respondents evicted both the petitioner and her daughter from the house. The Respondents are trying to alienate her from the shared household and are preventing the petitioner from taking gold ornaments from the bank locker. Hence the petition is filed seeking interim protection order, residence order and other reliefs.

3. **The Respondents filed counter contending as follows:** The respondents deny all the allegations in the petition. They admitted that they had resided together with the Petitioner in the house in question for some time, but denied all allegations of having subjected the Petitioner to domestic violence. It is further submitted that the present Petition has been filed by the Petitioner on an experimental basis with a view to initiating false and vexatious proceedings against Respondent No. 1. Hence sought for the dismissal of the petition.

4. Heard both sides. Perused records.

5. **Points arose for consideration:**

- I. Is the petitioner entitled to the prayer as sought for?
- II. The order thereof.

6. **Point No. I:** From the records available, it is seen that the marriage between the parties seen admitted and thus the domestic relationship between them is not disputed in the instant case. It is to be seen that this court has

granted an ex parte order under section 23(2) of the Act on 30.1.2026, and as per which an interim protection order was granted to the petitioner after being prima facie satisfied of the existence of domestic violence. In the case of **Krishna Bhattacharjee vs. Sarathi Choudhury and Another, (2016) 2 SCC 705**, the Hon'ble Apex Court while elucidating on the duty of courts while deciding complaints under the Domestic Violence Act stated that it is the duty of the Court to scrutinize the facts from all angles whether a plea advanced by the respondent to nullify the grievance of the aggrieved person is really legally sound and correct. The fact as to residing together in the shared house hold was not disputed by the Respondents.

7. As there is no dispute as to the existence of domestic relationship between the parties and the status of shared household, the ex parte interim protection order granted on 30.1.2026, is hereby made absolute until further orders. Furthermore, the court is inclined to allow the prayer of the petitioner to reside in the said shared household till the disposal of the case. As per the order in CMP No. 3/2026, the prayer as to opening bank locker was allowed. All other reliefs will be considered after taking evidence from both sides. The point is answered accordingly.

8. **Point No. II:** In the result, this petition is partly allowed. An order under section 23(1) of the Protection of Women from Domestic Violence Act, 2005, is hereby passed as follows:

- i. The Respondents are hereby restrained from committing any act of domestic violence either physically, mentally or verbally, to the petitioner.
- ii. Respondents are restrained from disturbing the possession of petitioner from the shared household bearing no. 10/291, Vaishnavam House, Nut street, Vatakara Taluk, Kozhikode District, until further orders or until disposal of the above MC.

The petition is disposed as above.

(Pronounced by me in the open Court this the 12th day of June, 2026)

Sd/-

Judicial First Class Magistrate – I,

Vatakara

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Judicial First Class Magistrate – I,

Vatakara

