

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-III
KANNUR**

Present:- Smt. Jomy Anu Isaac,
Judicial First Class Magistrate-III, Kannur

Dated this the Wednesday, the 22nd day of April, 2026
(2nd day of Vaisakha, 1948 S.E)

MC 42 /2025

Petitioner

Divya M, Aged. 42 years
D/o Ramesan M, Paramban House,
Puzhathi, Ottapeedika, Kannur Dist.
(Within the limits of Valapattanam P. S)

(Rep by Adv. Aabida K. P)

Respondent

Anoop P, Aged. 47 years
S/o Pavithran M. K, Kamala Nivas,
Mouvanchery P.O, Chelora, Kannur Dist.
(Within the limits of Chakkarakkal P. S)

Order

The petition is allowed in part.

ORDER

This is a petition filed under section 12 of the Protection of Women from Domestic Violence Act.

2. The petition averments in brief are as follows: - The respondent is the husband of the petitioner. The marriage between the petitioner and the respondent was solemnized on 07.01.2008 at Sree Chirakkal Kadalayi

Sreekrishna Temple as per the customs and ceremonies prevailing in their community. After the marriage the petitioner and the respondent resided together in the house of the respondent at Chelora. Two girl children are born out of this wedlock.

3. After marriage, the respondent regularly assaulted and harassed her. The respondent was a habitual drinker, he created scenes at home, and failed to buy household items or provide for expenses. Due to unbearable conduct from the respondent and his parents/siblings, they shifted to a rented house. Even there, his behaviour did not change. Unable to tolerate the physical and mental cruelty, the petitioner filed police complaints twice. Both times, the matters were settled without registering a case, as she hoped the respondent would quit drinking and lead a normal life.

4. The respondent's mother had promised 6 cents of land in Chelora for building a house. Since the land was mortgaged with the bank, the petitioner paid ₹2,20,000/- to clear the loan and got the land registered in the respondent's name. The respondent sold all 19 sovereigns of gold ornaments the petitioner received at marriage.

5. As their daughters were growing up and a house was essential, the petitioner decided to construct one on the said land. Since the respondent's conduct had not improved, the property was transferred to the

joint names of both petitioner and respondent as a safeguard. Subsequently, the 6 cents was mortgaged with District Bank, Thezhukkilepeedika Branch to avail a ₹6,00,000/- housing loan. Additionally, documents of the petitioner's sister's property were pledged at Town Bank. The house was built using: ₹1.5 lakh raised by mortgaging property in Kannur, and from the petitioner's earnings from 3 years of tailoring at home, and her income as a salesgirl in a Kannur textile shop. Except the housing loan, the petitioner alone cleared all other debts and paid for the house finishing work, household expenses, tax, water and electricity bills. Though the housing loan reached attachment stage, the respondent gave no help and continued to harass her. For the sake of her two growing daughters, the petitioner silently endured all cruelty. She later converted the ₹6 lakh housing loan to ₹9 lakh and now pays ₹12,000/- per month.

6. The respondent would come home drunk most days, create terror, abuse the petitioner in obscene language, beat her, and destroy household items. This severely traumatized the children and denied them a peaceful study environment. He insulted the petitioner in front of the children after work, denied her sleep, and often made her sit on a chair all night in fear. Due to his conduct, she is physically and mentally exhausted.

In 2020, the petitioner filed a case, now pending as CC 21/20 before JFCM Court-III. She continues to live in the same house with her daughters only out of helplessness and fear for life.

7. On 27-10-2025, the respondent came home heavily drunk, brutally assaulted the petitioner and the children who tried to intervene. When she ran to the road in fear, he followed and beat her there too. Neighbours informed relatives. The respondent's brother's wife and cousin took the petitioner and children to the brother's house. Police helped retrieve their clothes and books. Since 08-11-2025, fearing to return, the petitioner and children have been living in a rented house at Vandikkaranpeedika, paying ₹5,000/- rent, which she cannot afford along with the loan and children's expenses. She left her own house fearing danger to life. Though she asked the respondent to go for de-addiction, he refused. She fears he will harass her at work, residence, or children's school.

8. Hence this petition, to pass an order u/s 18(a) restraining respondent from committing domestic violence, from contacting/harassing petitioner & children via phone or other means, from causing physical/mental harassment at petitioner's rented house, workplace, or children's institution, to pass an order u/s 19 to restrain respondent from

entering the joint house at RS No.33/1B, Chelora, No.17, and secure peaceful residence for petitioner & children, to pass and order u/s 22 for compensation of ₹25,00,000/- for physical & mental agony, to pass and order u/S.20 for monthly maintenance of ₹20,000/- for children.

9. Though notice was served upon the respondent, he didn't appear before court and hence he was declared as exparte.

10. Petitioner filed proof affidavit in lieu of chief examination and got examined as PW1. Ext. P1 to P3 were marked subject to proof.

11. The points that arise for determination are as follows:

1. Whether there is a domestic relationship between petitioner and respondent?
2. Whether petitioner is entitled to an order restraining the respondent from committing any act of domestic violence?
3. Whether petitioner is entitled to get an order restraining the respondent from entering the shared household?
4. Whether petitioner is entitled to get an order directing the respondent to pay monthly maintenance of Rs.20,000/- to the petitioner?
5. Whether petitioner is entitled to get an order directing the respondent to pay compensation of Rs.25,00,000/-?
6. What is the order as to reliefs and costs?

12. **Point Nos.1 to 5:** - The petitioner was examined as PW1. She filed proof affidavit in lieu of chief examination. Ext.P1 to Ext.P3 were marked, subject to proof. The averments in the petition and the sworn testimony of PW1 have gone unchallenged.

13. I have perused the petition, affidavit and documents. The evidence of PW1 stands unrebutted. There is no reason to disbelieve the sworn testimony of the petitioner. From the uncontroverted evidence on record, the following facts stand established; the petitioner is the legally wedded wife of the respondent, marriage was solemnized on 07.01.2008 at Sree Chirakkal Kadalayi Sreekrishna Temple, two minor girl children were born in the wedlock, the respondent subjected the petitioner to continuous physical and mental cruelty, he is a habitual drinker who assaulted the petitioner, abused her in obscene language, destroyed household articles, and denied her peaceful life, the children were also traumatized by his conduct, the petitioner paid ₹2,20,000/- to clear the mortgage on 6 cents of land at Chelora, which was then registered in the respondent's name, the respondent sold 19 sovereigns of her gold ornaments, the house was constructed on the said land with funds raised by the petitioner, Rs.1.5 lakh by mortgaging property, and her earnings from 3 years of tailoring, and her salary as salesgirl.

14. It is further deduced from the affidavit that the property was put in joint names, a housing loan of ₹6 lakh, later enhanced to ₹9 lakh. The petitioner alone is repaying ₹12,000/- per month. On 27.10.2025, the respondent, in an intoxicated state, brutally assaulted the petitioner and children. Fearing for life, the petitioner and children left the shared household and are now residing in a rented house at Vandikkaranpeedika on ₹5,000/- monthly rent. CC 21/20 is pending before this Court regarding earlier acts of cruelty.

15. The unchallenged evidence proves that the respondent has committed acts of physical, emotional and verbal abuse constituting “domestic violence” as defined u/s 3 of the DV Act. The petitioner is entitled to a protection order. The shared household at RS No.33/1B, Chelora stands in joint names and was constructed primarily with the petitioner’s funds. The petitioner and minor children have been forced to vacate due to the respondent’s violence. To secure their safety, the petitioner is entitled to an order restraining the respondent from entering the shared household. The petitioner is maintaining two school-going daughters. She bears the housing loan EMI of ₹12,000/- and house rent of ₹5,000/-, apart from other expenses. The respondent has failed to provide maintenance. Considering the needs of the children and the financial

capacity of parties discernible from records, a sum of ₹15,000/- per month towards maintenance of the two minor children is just and reasonable. The petitioner has suffered grave physical injury, mental trauma, loss of gold ornaments, and financial strain. However, the claim of ₹25,00,000/- is excessive in the absence of specific proof of income of respondent. Taking a balanced view, compensation of Rs. 3,00,000/- is granted for the injuries, mental agony and financial loss suffered by the petitioner. Hence these points are found accordingly.

16. **Point No.6:** - In view of the findings in points No. 1 to 6, it is found that petitioner is entitled to get a protection order, residence order, maintenance and compensation and also for the costs of proceedings.

In the result, the petition is allowed in part with costs as follows: -

1. The respondent is prohibited under Section 18(1)(a) of the PWDV Act from committing any act of domestic violence against the petitioner and the minor children. He is further restrained from contacting, communicating with, or harassing the petitioner and children personally, over phone, or through any other means, and from causing any disturbance at the shared household or at petitioner's rented residence, workplace, or the children's educational institutions.
2. Under Section 19(1)(b) of the PWDV Act, the respondent is restrained from entering any portion of the shared household

situated in RS No.33/1B, Chelora, No.17, Kannur. The petitioner and minor children are entitled to reside peacefully in the said house. The Station House Officer, of Police Station concerned is hereby directed u/S.19(5) of PWDV Act to give adequate protection to the petitioner and children to re-occupy the shared household and to ensure compliance of this order.

3. Under Section 20 (1)(d) of the PWDV Act, the respondent is directed to pay monthly maintenance of ₹15,000/- [Rupees Fifteen Thousand only] to the petitioner for the maintenance of the two minor children, from the date of petition. Arrears shall be cleared within one month. Future payments shall be made on or before the 10th of every month commencing from May 2026.
4. Under Section 22 of the PWDV Act, the respondent is directed to pay compensation of ₹3,00,000/- [Rupees Three Lakhs only] to the petitioner for the physical injuries, mental torture and emotional distress caused, within two months from today.
5. Both parties shall be given the copies of this order free of cost.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court this the 22nd day of April, 2026)

Sd/-

Judicial First-Class Magistrate-III,
Kannur

APPENDIX

Witness examined for the petitioner

PW1: Divya M

Exhibits marked for the petitioner

- P1 :Photocopy of marriage certificate, dated. 07.01.2008
(subject to proof), (PW1)
- P2 :Photocopy of birth certificate of Theertha P, dated. 24.09.2021
(subject to proof) (PW1)
- P2(a) :Photocopy of birth certificate of Hridya P, dated. 10.02.2025
(subject to proof) (PW1)
- P3 :Photocopy of property deed, (subject to proof)

Witness examined for the respondent

Nil

Exhibits marked for the respondent

Nil

//True copy//

Sd/-
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