

IN THE COURT OF GRAM NYAYALAYA IRITTY, PAYAM

Present:-Sri. Mohamed Mausoom.P.T, BA. LL.B(H)
Nyayadhikari

Dated this the 16th day of March 2026/25th day Phalguna 1947

CrI.M.P. 1724/2025

in

M.C. 27/2025

Petitioner

:1. Anjali.N.M

D/o Sjeevan.M, Age 25
Sreelayam Veed, Panachippara
Nelloonni , Mattannur.P.O
Iritty Thaluk, Kannur District

2. Aisal Aswath

D/o Aswath Pulappadi , Age 2 ½
(Mattannur Police Station limit)

(Represented by Adv: Rajesh.K.K)

V/s

Respondent

: Aswath Pulappadi

S/o Nanu.K, age 33

Manu Nivas,Panachippara

Nelloonni , Mattannur.P.O

Iritty Thaluk, Kannur District

(Mattannur Police Station limit)

(Represented by Adv: K.A.Philip)

ORDER

This is an application under section 23 of the Protection of Women from Domestic Violence Act, 2005 (**hereinafter referred to as 'Act'**) seeking an interim relief from the respondent.

2. The material averments in the application in brief is as follows:-

The petitioners have presented application U/s 18,19, 20 and 22 of the Act seeking various reliefs. On account of cruelty by the respondent, the petitioner's life has come to a standstill. The petitioner and her daughter are facing severe hardship on account of domestic violence. The respondent has failed to maintain the petitioners till date. Hence, the interim application seeking interim maintenance to the tune of Rs.8,000/- and Rs.5,000/- per month respectively to the petitioner and her minor daughter.

3. Upon receipt of this application, notice was issued to the respondent.

4. The respondent filed objection inter alia contending as follows:

The petitioner is residing separately from the respondent without any reasonable cause at the instance of her mother. Moreover, the petitioner is permanently working as an accountant at Padma Motors, Mattannur drawing a salary of Rs.15,000/- per month. Since the respondent is maintaining the second petitioner, there is no need to award any maintenance to her. Hence, the petitioners are not entitled to any reliefs.

5. Heard the learned counsels from both sides. Perused the records including the affidavit disclosing the assets and liabilities of the parties.

6. The following point arose for determination:

Whether the petitioners are entitled to a monthly interim maintenance from the respondent as prayed for?

7. Point:- The factum of marriage between the first petitioner and respondent as well as the domestic relationship between the parties are not in dispute. The first petitioner is the wife of the respondent and the second petitioner is their minor daughter. Other respondents are not a party to the above interim application. Though nothing is submitted with regard to the job or source of income in the application, the first petitioner in her affidavit has disclosed that she has no job or any other source of income. The respondent through affidavit disclosed that he is working as a loader and cleaner earning a salary

of Rs.15,000/- per month. It is also admitted by the respondent that the minor daughter is in the custody of the petitioner.

8. Upon perusal of all records, the accompanying affidavits and consideration of the arguments advanced by the learned counsels, this court is of the view that the petitioners have succeeded in setting up a prima facie case of domestic violence committed at the behest of the respondents. Since, at this stage no evidence is adduced, a finding with regard to the job and other alternate sources of income of the parties etc. can only be arrived at by taking into consideration the averments stated in the affidavit sworn in by the first petitioner as well as the disclosure affidavit filed by both parties. The first petitioner has maintained in the disclosure affidavit that she has no job or income while the same is disputed by the respondents. The respondent alleges that she is working as an accountant at Padma Motors, Mattannur. The veracity of the claims raised by both sides can only be appreciated at the stage of evidence. The petitioners have prayed for a monthly interim maintenance of Rs.8,000/-(Eight Thousand only) to the first petitioner and Rs.5,000/-(Five Thousand only) to her minor daughter. The respondent no.1 being the husband of petitioner no.1 and father of the second respondent are legally obliged to maintain them irrespective of the fact whether the first petitioner is employed or not. The petitioners have left the matrimonial home only on account of the domestic violence committed by the respondents as discernible from the affidavit. Hence the contentions put forth by the respondent do not help him at this stage to escape from his legal obligation to maintain his family.

9. Nevertheless, this court is of the view that the quantum of interim maintenance sought in the application is way more than necessary. This court is obliged to strike a balance between the rights of the aggrieved person and the financial burden that would be imposed upon the respondent. Considering the facts and circumstances, standard of living of the petitioners as much discernible from the application, the expenses of the minor child, this court is

of the view that the first petitioner can be awarded an interim maintenance of Rs.3,000/- (Three Thousand only) per month and her minor daughter Rs.2,000/-(Two Thousand only) per month. Hence , this point is found partly in favour of the petitioners.

In the result, the above application is allowed in part.

- A. The respondent shall pay a total of **Rs.5,000/- (Five Thousand Only)** per month as interim maintenance to the first petitioner for and on behalf of the first petitioner and her minor child **from the date of the above application**, i.e, 26.05.2025 until further orders.
- B. Both parties shall be entitled to a copy of this order free of cost.
- C. The office shall furnish a copy of this order to SHO, Mattannur Police Station and Women Protection Officer, Kannur.

(Typed in my personal laptop and pronounced by me in the open court on this the 16th day of March, 2026)



Nyayadhikari

Gram Nyayalaya Iritty at Payam