

**IN THE COURT OF GRAM NYAYALAYA IRITTY AT PAYAM**

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

**Dated:** 12th day of February, 2026

**CMP 1403/2025**

**MC 51/2024**

Petitioners

: 1. Divya Sudhakaran  
D/o.Sudhakaran,  
Aged 34 years, Ayakkaatt House,  
Thondiyil P.O., Peravoor Amsom,  
Iritty Taluk, Kannur District  
PIN - 670673

2. Avanthika (minor)  
D/o. Preejith,  
Aged 11 years  
[Rep. by Petitioner no.1]

[Peravoor Police Station Limit]  
(Rep. by Adv.Rajesh Khanna)

**Vs.**

Respondents

: 1. Preejith  
S/o.Muthu,  
Aged 42 years, Paarappuram House,  
Anjukunnu P.O., Nadavayal, Panamaram,  
Nadavayal amsom desom,  
Mananthavady Taluk, Wayanad District

2. Thanka  
W/o.Muthu,  
Aged 68 years, Paarappuram House,  
Anjukunnu P.O., Nadavayal, Panamaram,  
Nadavayal amsom desom,  
Mananthavady Taluk, Wayanad District

(Rep. by Adv.Athira.P.B.)

**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 against the respondents.

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

The respondents are husband and mother in law respectively of the first petitioner. The first petitioner and the first respondent got married on 26.10.2008 and two children were born out of the wedlock. The respondents had taken over 9 sovereigns of gold ornaments belonging to the first petitioner within weeks after the marriage. The petitioners were not provided with food or clothing by the first respondent and the same was provided by the mother of the first petitioner. The petitioners left the matrimonial house for a period of six years from 2014 and lived under the protection of the mother of the first petitioner. Thereafter in the year 2021, as a result of mediation, the first petitioner and the first respondent along with their children started living together in a rented house. The first respondent continued committing domestic violence against the first petitioner and her minor children. On 27.03.2024, the first petitioner along with her two minor children returned back to her mother's house.

3. The first respondent is engaged in plastering works and earns a monthly income of Rs.45,000/- (Forty Five Thousand Rupees Only). The first petitioner has no job or source of income and is dependent on her mother. Hence, the above application seeking a monthly interim maintenance of Rs.15,000/- (Fifteen Thousand Only) to the first petitioner and Rs.10,000/- (Ten Thousand Only) each to the two minor children.

4. Upon receipt of this application, notice was issued to the respondents. Though no written objection is seen filed as per the records, the first respondent submitted an affidavit disclosing his assets and liabilities.

5. Heard the learned counsels from both sides. Perused the records.

6. The following point arose for determination:

*Whether the petitioners are entitled to a monthly interim maintenance from respondent no.1 as prayed for?*

7. Point:- The factum of marriage and domestic relationship between petitioners and respondents are not in dispute. The first petitioner is the wife of the first respondent and the second petitioner is their minor daughter. Another minor son is not a party to the above application. Learned counsel for the petitioners submitted that since the first respondent is engaged in plastering works, he is very well capable of providing interim maintenance as prayed for in the above application. Learned counsel for the respondents, though admitting that the first respondent is engaged in plastering works, contends that the first respondent is only having a monthly income Rs.5,000/- and is not in a position to maintain since he is having medical ailments thereby reducing his earning capacity. She further submitted that the petitioners have suppressed material facts since the first petitioner is having income from her employment in a textile shop. The counsel for the respondent brought the attention of the court to the medical records which the respondents adduced in the main application in support of her arguments.

8. It is pertinent to note that though the petitioners have sought for a relief of interim maintenance, no affidavit disclosing the assets and liabilities of the first petitioner has been filed before the court. Upon perusal of the 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 can only be arrived at by taking into consideration the averments stated in the affidavit sworn in by the first petitioner. The contents of the medical records filed by the first respondent can only be appreciated at the stage of evidence. The petitioners have prayed for a monthly interim maintenance of Rs.15,000/- (Fifteen Thousand only) to the first petitioner and Rs.10,000/- (Ten Thousand only) each to the two minor children respectively. The respondent no.1 being the husband of petitioner no.1 and father of the other petitioners are legally obliged to maintain them. The petitioner no.1 and her two

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minor children 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 respondents do not help the respondent no.1 to escape from his obligation to maintain his family at this stage. The petitioner no.1 has maintained in the disclosure affidavit that she has no job or income while the same is disputed by the respondents. The 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 upon the first respondent. Considering the facts and circumstances, standard of living of the petitioners as much discernible from the application, the educational expenses of the two minor children, this court is of the view that the first petitioner can be awarded an interim maintenance of Rs.3,000/- (Three Thousand only) and her two minor children Rs.1,500/- (One Thousand Five Hundred only) each. Hence, this point is found partly in favour of the petitioners.

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

- A. The respondent no.1 shall pay a total of **Rs.6,000/- (Six Thousand Only) per month** as interim maintenance to petitioner no.1 for and on behalf of the first petitioner and her two minor children **from the date of the above application**, i.e, 05.07.2025.
- 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, Peravoor Police Station and Women Protection Officer, Kannur.

( Typed in my personal laptop and pronounced by me in the open court on this the 12th day of February, 2026)

  
Nyayadhikari

Gram Nyayalaya Iritty at Payam