

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE -III,
NEYYATTINKARA**

**Present: Sri. Albin J. Thomas,
Judicial First Class Magistrate - III**

Dated : Friday, 07th November, 2025/ 16th Karthika, 1947

CMP 3145/2025 in MC 71/2024

Petitioner : Anthonis.R, Aged 28, S/o Ramya.S,
Valiyathoppu, Thekkekkara, Puthiyathura.P.O,
Karumkulam Village, Kanjiramkulam.
Represented by Adv. T.Raja Raja Singh

Counter Petitioners 1. Neha.T.John, Aged 25, D/o S.Johnson,
Thottam Purayidam, Puthiyathura.P.O,
Karumkulam Village.
2. Carly Jose, D/o Neha and Anthonis,
Thottam Purayidam, Puthiyathura.P.O,
Karumkulam Village.
3. Caitlyn Eliza, D/o Neha and Anthonis
Thottam Purayidam, Puthiyathura.P.O,
Karumkulam Village.
Represented by Adv. Girija.P.

Sentence/ order : Petition is dismissed.

This application has been finally heard today and this Court passed the following on the same day.

ORDER

1. This is a petition filed by the respondent in MC 71/2024 U/s. 25(2) of Protection of Women from Domestic Violence Act, 2005.
2. The averments in the petition is as follows: The petitioner is the respondent in MC 71/2024. At the time of filing of the application, the respondent/applicant filed a petition u/s. 23 of DV Act. This court vide order in CMP 3359/2024 dated 08.05.2024 granted exparte ad-interim order in favour of the respondent/applicant. By the order of this court the petitioner/ respondent was directed to pay monthly maintenance of Rs. 5,000/- each to

petitioners 2 and 3. The present petition is filed seeking to modify the exparte ad-interim order of maintenance. The petitioner/ respondent contends that he is not having sufficient income to provide maintenance to the respondent/applicant.

3. The respondent/applicant filed objection as follows: The petition is not maintainable either in law or in facts. This court allowed an exparte ad-interim order of maintenance to the petitioners and so far no amount has been paid. There was a willful neglect from the side of petitioner/ respondent from complying with the order. The petitioner/ respondent is having adequate source of income to provide maintenance for the respondents/ applicants. Hence the petition is only liable to be dismissed.

4. Heard both sides. Perused the records. The following points arise for consideration:

(1) Whether the exparte ad-interim order of this court in CMP 3353/2024 dated 08.04.2024 is to be modified?

5. The present petition is filed by the petitioner/ respondent seeking modification of the order of this court in CMP 3353/2024 dated 08.04.2024. The relevant provision in the Protection of Women from Domestic Violence Act 2005 (hereinafter Act) is section 25(2). As per section 25(2) "If the Magistrate on receipt of an application from the aggrieved person or the respondent, is satisfied that there is a change in the circumstances requiring alteration, modification, or revocation of any order made under this Act, he may, for reasons to be recorded in writing pass such order, as he may deem appropriate". The petition could be allowed only there is a change of

circumstances from the period at which the initial order was passed.

6. Here the order of which modification is sought for is an order passed in CMP 3359/2024 filed U/s. 23 of the Act. The order passed was an exparte ad-interim order U/s. 23(2) of the Act. It was passed without hearing the side of petitioner/respondent. After appearance of the petitioner/respondent in the case he had filed an objection to CMP 3359/2024. It is to be noted that no interim order is passed in the above said CMP which is filed u/s. 23 of the Act. At present the CMP is posted for hearing both the parties.

7. The exparte ad-interim order passed by this court in CMP 3359/2024 dated 08.05.2024 will be in force only till a final interim order is passed in the same. Hence there is no need to modify the said ad-interim exparte order. The contentions raised by the petitioner / respondent could be addressed the said CMP. The change in circumstance as put forwarded by the petitioner/ respondent is the lack of source of income. The said contention can be considered while passing a final interim order in CMP 3359/2024. Hence this court finds no reason to allow this petition.

In the result, petition is dismissed.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open Court, on this the 07th day of November, 2025).

Sd/-
Judicial First Class Magistrate - III,
Neyyattinkara

//True Copy//

Judicial First Class Magistrate - III,
Neyyattinkara