

**IN THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE II,
NEDUMANGAD**

Present: **Aravind P.**, Judicial First Class Magistrate-II
Nedumangad

Tuesday, 30th day of April, 2024/ 10th vaisakha, 1946

C.M.P.8188/2023 In M.C .104/2022

Petitioners	:	1.Aswathy.J.S., D/o.Jayakumaran Nair, Ashtalekshmi, Edaykkodu, Chekkakonam.P.O. Karakulam village, Nedumangad. 2.Vaibhava.A, S/o.Aswathy.J.S., - do - 3. Vaidehi.A., D/o.Aswathy.J.S. - do - (By Adv. Sri.Renjith C.Nair)
Respondents	:	1.Arun.S, S/o.Sreekantan Nair, Ashtalekshmi, Edaykkodu, Chekkakonam/P.O. Karkaulam, Nedumangad (working at 9 th Batalian, ITBP Rohitpur, Reg.No. 070010395, Arunachal Pradesh) 2. Jayakumari, W/o.Sreekantan Nair, - do - 3. Sreekantan Nair, S/o.Saraswathi Amma, - do - (By Adv.Sri.V.P.Vipinkumar)
Petition filed	:	U/s.23 of the Protection of Women from Domestic Violence Act 2005.
Order	:	Allowed-in-part.

This case having been finally heard today the court on the same day delivered the following :

ORDER

1. This is a petition filed by the petitioner for interim protection order.

2.Brief averments in the petition are as follows:- First petitioner herein is the first petitioner in M.C104/2022. First respondent is the husband of the petitioner and second and third respondents are the in -laws of the first petitioner.

3. On 5.9.2023, the second and third respondents started quarrelling with the petitioner and committed domestic violence. So the first petitioner filed a complaint before the Nedumangad police station.

4. Petitioners are residing in the residence owned by the first respondent. Second and third respondents are residing with the brother-in-law of the petitioner which is very next to the petitioner's residence which is owned by the third respondent. Second and third respondents are residing next residence of the petitioners residence which is owned by the third respondent. Second and third respondent used to come to the petitioners room and sleep in the room so as to harrass the petitioners and thereby committed domestic violence. The petitioner apprehends even threat to the life. So the present petition is filed for directing the respondents to remove themselves from the shared household and restrain them from committing any act of domestic violence against the petitioners. Hence the petition.

5. First respondent appeared and filed objection. Brief averments in the objection are as follows: The original petition is filed with an intention to evict the respondents from the residence. Respondents are permitted the parents of the first petitioner to reside in their residence since they have no residence of their own. Thereafter, they demanded to transfer the ownership of the said residence in the name of the first petitioner. The first petitioner created issues demanding the same.

6. On 5.9.2023, first respondent went to the work place after leave. Second and third respondents did not have separate residence. The present petition is filed so as to evict the second and third respondents from the shared household. On 4.9.2023, the first petitioner and relatives have not allowed the first and second respondent to enter the residence. So the matter was intimated to Nedumangad police and due to the intervention of the Nedumangad police, second and third respondents were permitted to enter the residence. So the objection of the first respondent concluded with a prayer to dismiss the petition.

7. Second and third respondents appeared and filed objection. Averments in the objection filed by the second and third respondents is also in tune with the objection filed by the first respondent. So this court is of the further view that no need to repeat the same again. Hence contentions in the objection are not stated separately here.

9. Based on the rival contentions the following points arise for consideration :

1. Are the petitioners entitled to get protection order as prayed for?

2. Relief and costs?

10. Point No.1 :- The case of the petitioners is that the second and third respondents are entering into the room of the petitioners, and not allowing them to leave there peacefully. Learned counsel for the petitioners submitted that if protection order is not passed, then they will not be able to live there peacefully.

11. At the same time, learned counsel for the respondents vehemently objected and argued that the first petitioner creates issues there. Originally, the first petitioner has prevented the respondents from using wash room and even prevented water supply. So the learned counsel prayed to dismiss the petition.

12. This court considered the contentions in detail. Here both parties are raising allegations against each other. So this court is of the view that a full-fledged trial is to be conducted for the just disposal of the original petition. At the same time the plight of the petitioners is also to be considered. So this court is of the view that interim protection order can be passed. So this point is found accordingly.

13. Point no.2:- Considering the facts and circumstances of this petition, this court is of the view that both parties can be directed to suffer their respective costs.

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

1. Respondents are restrained from entering into the room of the petitioners till the disposal of the original petition.
2. No order as to costs.

Issue free copy of the order to both sides.

Pronounced by me in open court this the 30th day of April, 2024.

Sd/-

Judicial First Class Magistrate-II
Nedumangad

(True copy)

Judicial First Class Magistrate-II
Nedumangad

APPENDIX

Witnesses for the complainant:

PW1 :

Extbs for the complainant:- Nil

Sd/-
Judicial First Class Magistrate-II
Nedumangad.

(True copy)

Judicial First Class Magistrate-II
Nedumangad.