

**IN THE COURT OF THE JUDICIAL MAGISTRATE NO. I,
CHIDAMBARAM**

**PRESENT: SELVI.M. MAYADEVI, B.A., L.L.B.,
JUDICIAL MAGISTRATE NO. I, CHIDAMBARAM**

Crl.M.P.No.55/2026

In

DVC.No.02/2024

Friday, the 08th day of May 2026

Kalaivani

.... Petitioner/Complainant

/Vs./

Mathibalan & 4 ors

.... Respondents/Accused

This petition is coming for hearing before me on this day in the presence of Thiru.P.Sankar, Learned counsel for the Petitioner and Thiru.A.K.Ramakirshnan, Learned counsel for the Respondent and this Court made the following:

ORDER

The petition is filed U/s. 23 of Domestic Violence Act,2005.

2. BRIEF AVERMENTS OF THE PETITION:-

2.1) The petitioner states that she and the respondent were married on 04.10.2012, under Hindu rites and customs. After the marriage, the respondents harassed and abused the petitioner, which left to the petitioner to live with her parents. The petitioner states that she was living with her oldage parents and unable to maintain herself. Her husband, running Travel services, earned ₹.50,000/-per month.

2.2) The petitioner further states that her husband took possession of her household articles and at present the petitioner was unable to meet her daily

expenses whereas, the Respondent is financially well-off and capable of providing the claimed amount of interim maintenance. Presently, the petitioner is not working and needs ₹10,000 per month for living expenses. Additionally, she needs ₹30,000 per month for litigation expenses. Therefore, she has prayed an interim maintenance of ₹40,000 per month from the respondent.

3. BRIEF AVERMENTS MADE IN THE COUNTER:-

The respondent denies all the averments, allegations, and contentions raised by the petitioner and put the petitioner strict proof of the same. The respondent denies the averments that the respondent is earning Rs.50,000/- The respondent further states presently he is doing daily wages labour work and the respondent not in a financial position to pay the amount of interim maintenance as claimed by the petitioner. The respondent further states that the petitioner is working in the Anganwadi and earning well. The respondent denies the assets and liabilities filed by the petitioner and further states that the petitioner has sufficient movable and immovable assets, which have not been disclosed in the petition for interim maintenance.

4. DISCUSSION:-

4.1) Heard Both sides. Records perused. The marriage and separation were all admitted facts. The petitioner and respondent are levelling various allegations against each other. The said allegation can be gone into detail only in the enquiry of main petition. If any specific finding is given, the same would affect the main case. This order does not in any manner constitute a final adjudication of the rights and liabilities of the parties. The Respondents are at full liberty to contest the main petition on merits, lead evidence, and establish their case during the course of the full trial. All contentions of the Respondents on facts and law are expressly kept open. This interim order shall not be cited as

a finding on any contested question of fact, including ownership of property, source of funds, or title to jewellery. Thus, this court is of the view that the issue of the interim maintenance and litigation expenses alone can be decided in this petition.

4.2) In the petition, the petitioner claimed to have no income. The respondent claims that she is working at Anganwadi. However, no proof to the same is produced. The respondent should be ordered to pay only a portion of the interim maintenance. It is pertinent to note that the petitioner left the income section blank on her assets and liabilities statement. The petitioner has mentioned her expenditure on various heads. She has mentioned Rs. 10,000/- per month for monthly expenses and Rs.30,000/- Litigation expenses. The above claim of the petitioner is not supported by any documentary evidence.

4.3) On the other hand, the respondent filed assets and liabilities stating that he is presently working as a driver in a private sector (daily wager) and stated that he is earning Rs.15,000/- as monthly income as disclosed in his assets and liabilities. However, to substantiate his claims, respondent has not filed any documentary evidence.

4.4) The maintenance can be granted only for basic day to day expenses. It is true that the quantum has to be fixed as per the status and income of the parties. The petitioner has stated that the respondent earned Rs.50,000/- per month. However, respondent denied the same and stated he is earning Rs.15,000/- per month. Admittedly both parties have not filed salary statement. As per the settled principles of law, husband is duty-bound to maintain his wife and the obligation exists to ensure she lives with dignity. An able-bodied husband cannot shrink his responsibility by claiming he is already having much more responsibility. Hence, aforesaid discussion, this court considers that the petition is liable to be allowed in the limited extent.

4.5) In the result, the petition is partly allowed and the respondent is directed to pay Rs.6,000/- monthly towards maintenance of the petitioner from the date of filing of this petition till the disposal of the DVC. The amount so awarded shall be paid on or before 7th of every succeeding English calendar month. No costs.

(Directly typed by me in my official Laptop, corrected and pronounced by me in the open court on this 08th day of May 2026).

Judicial Magistrate No.1
Chidambaram

Petitioner side Witnesses and documents: Nil

Respondent side Witnesses and documents: Nil

Judicial Magistrate No.1
Chidambaram