



**IN THE COURT OF DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE No1,
KODAIKANAL**

**Present : Thiru. R.Arun Pandian, B.A., B.L.,(Hons), M.L.,
District Munsif Cum Judicial Magistrate No1 Kodaikanal.
Monday the 22nd day of June 2026**

DVC.No. 09/2021

(CNR.No.TNDG11-000558-2021)

Panchavarnam, Age 40,
W/o Vijay,
6-4-54, Neriyaapuram K,
Pannaikadu Post, Kodaikanal,
Dindigul District.

...Petitioner

// vs//

1. M.Vijay (Age 34/2021)
S/o Muthuchamy,
D.No. 2-80, Kolakarai,
Mothaiyanur Post,
Sangagiri, Chinnakavundanur,
Salem- 637303.

2. M.Prabu (Age 33/2021)
S/o Muthuchamy,
D.No. 2-80, Kolakarai,
Mothaiyanur Post,
Sangagiri, Chinnakavundanur,
Salem- 637303.

3. Keerthana (Age 30/2021)
W/o Prabu,
D.No. 2-80, Kolakarai,
Mothaiyanur Post,
Sangagiri, Chinnakavundanur,
Salem- 637303.

4. Muthuchamy (Age 65/2021)
D.No. 2-80, Kolakarai,
Mothaiyanur Post,
Sangagiri, Chinnakavundanur,
Salem- 637303.

5. Rajammal (Age 52/2021)
W/o Muthuchamy,
D.No. 2-80, Kolakarai,
Mothaiyanur Post,
Sangagiri, Chinnakavundanur,
Salem- 637303.

6. Kandasamy (Age 60/2021)
D.No. 2-80, Kolakarai,
Mothaiyanur Post,
Sangagiri, Chinnakavundanur,
Salem- 637303.

... Respondents

This petition is heard in the presence of Mr. R.Rajasekaran., Learned counsel for the petitioner and Mr.R.Pitchai, the Learned counsel for the R1. Enquiry heard on both sides and having stood over for my consideration till this day, this court delivered the following,

ORDER

1. This petition/application has been preferred by the petitioner by virtue of section 12 of Act No.43 of 2005 seeking relief u/s 18, 19, 20, 21 and 22 of the Domestic Violence Act, against the respondent R1 to R6. The application is filed by the petitioner through the protection officer under section 9(c) of the protection of Women from domestic Violence Act,2005 (Act 45 of 2005).

2. The petitioner case in brief is that,

Panchavarnam, married the 1st respondent, Vijay, on 04.12.2016 at Sangagiri. At the time of marriage, the 1st respondent was stated to be employed as an IT employee. It is averred that, at the instance of marriage, the petitioner was provided with 12 sovereigns of gold jewellery and an additional 1/2 sovereign gold ring was gifted to the 1st respondent. After the marriage, the petitioner resided in the matrimonial home along with the family members of the 1st respondent. As a result of the wedlock, the petitioner and the 1st respondent were blessed with a female child, namely Innanya, born on 17.12.2017. The petitioner alleges that, on account of the birth of a female child, she was subjected to harassment by the 1st respondent and his family members, who allegedly demanded additional dowry in the form of 10 sovereigns of gold and a sum of Rs.5,00,000/- in cash. It

is further alleged that the petitioner was driven out of the matrimonial home, pursuant to which, from the year 2019 onwards, she had been residing at her parental home along with her minor daughter. The petitioner further contends that on 24.03.2021, at about 12.00 noon, the 1st respondent, along with the other respondents, came to her parental home and forcibly snatched away the minor child, Innanya. Aggrieved by the said occurrence, the petitioner is stated to have lodged complaints before the office of the Superintendent of Police, Dindigul, and the All Women Police Station, Kodaikanal. Thereafter, on 30.06.2021, the petitioner also preferred a complaint before the Child Welfare Committee, Dindigul. In the above circumstances, the petitioner, by way of an application filed under Section 12 of the Protection of Women from Domestic Violence Act, 2005 through the Protection Officer, seeks custody of the minor child, Innanya, monetary relief to the tune of Rs.30,000/- per month, compensation of Rs.30,00,000/-, and return of her stridhana articles.

3. The respondents upon being put on notice, the respondents R2 to R6 were set apart. Whereas, R1 contested and placed averment against the petitioner as follows. The assertion as accounted by the petitioner is denied as false. It is accounted by the respondent Vijay that the petitioner insisted that they should move to Pannaikadu. Since employment opportunities commensurate with the qualification of the respondent were not available there, the respondent refused the same. Being aggrieved by such refusal, the petitioner, who had come to Pannaikadu for a marriage function, thereafter refused to return to the matrimonial home at Sangagiri. It is further accounted by the respondent that when he went to Pannaikadu and requested the petitioner to return, the petitioner entrusted the custody of the minor daughter Innanya to the respondent stating that she was unable to take care of the child. Thereafter, Innanya was looked after and cared for by the respondent. Further, as a means of revenge and retaliation, the petitioner is stated to have lodged complaints before the Superintendent of Police and the AWPS. It is further asserted that, during the enquiry before the AWPS, custody of the child Innanya was permitted to remain with the 1st respondent. It is also accounted that the Child Welfare Committee, upon enquiry and considering the wishes of Innanya, directed that the child be sent along with the respondent Vijay. It is further asserted by the respondent that the petitioner had also preferred a petition before the Hon'ble High Court seeking custody of Innanya, which too came to be dismissed. The 1st respondent contended that the other respondents,

namely the family members of the 1st respondent, have been unnecessarily arrayed with false imputations solely to harass them. It is specifically contended that even the father of the respondent, who is suffering from immobility owing to paralysis, has been arrayed as a respondent and implicated under the provisions of the Domestic Violence Act. The 1st respondent, with an intention to preserve the matrimonial relationship, instituted HMOP No.54 of 2021 before the Sub Court, Sangagiri, seeking restitution of conjugal rights, which order, according to the respondent, the petitioner failed to comply with. It is further asserted that the petitioner instituted O.P.No.129 of 2021 seeking custody of the child. The respondent contended that the allegations of dowry harassment levelled against him are false and baseless. The allegation of forcibly snatching away the child is also specifically denied. Thus, denying all the assertions and allegations made by the petitioner, the respondents sought dismissal of the Domestic Violence petition.

4. The petitioner having been examined as PW1, the complaint preferred by the petitioner with the Protection Officer Dindigul is marked as Ex P1, the domestic incident report (Form-1) is marked as Ex P2, the application preferred U/s 12 of Act 45 of 2005 (Form 2) is marked as Ex P3. Whereas behest the respondents, the respondent Vijay was examined as RW1. The web copy pertain order passed in HMOP No.54/2021 was marked as Ex R1, the web copy pertain order passed in GWOP No.129/2021 was marked as Ex R2, House rent receipt was marked as Ex R3 and the salary certificate issued by firm named Jupiter Agri Enterprises is marked as Ex R4.

5. Points for consideration:

- a. Whether the petitioner is entitled to relief of Maintenance as prayed for?
- b. Whether the petitioner is entitled to the return of stridhana article as prayed for?
- c. Whether the petitioner is entitled to the custody of the child Innanya?
- d. Whether the petitioner is entitled to the compensation as prayed for?
- e. Whether the petitioner is entitled for residence order as advocated by the protection officer ?

6. Point a to e : as the points a to e are associated, it is just and proper to decide the same conjointly.

To entitle the petitioner for the relief claimed, petitioner must set out the aspect that she being the wife of the 1st respondent, and was subjected to domestic violence as defined in Sec 3 of the protection of women from domestic violence Act, and must set out her status of “aggrieved person “. To which the petitioner ought to place that, by any act, omission or commission or conduct the petitioner was subjected to abuse, in the form of physical abuse, sexual abuse, verbal and emotional abuse and economic abuse by the respondent. The scope of the Act 43 of 2005 provides for remedy under the civil law which is intended to protect the women from being victims of domestic violence from the period the aggrieved enters the life of domesticity.

7. The petitioner Panchavarnam at the outset places allegation of cruelty by R1 to R6 alleging that she was pushed to the point to move out from the matrimonial house and from the communion of her husband R1, due to cruelty meted to her by the respondent's, and the assertion placed in the testimony of PW1 stipulates that the respondent's R2 to R5 insisted for stridhan of additional 10 sovereign gold and cash Rs 5,00,000/- the said demand of the respondents was placed to have formed a nub in the matrimonial life of the petitioner. The said demand and linked factor ill-treatment, was placed to have emerged after the birth of the minor daughter Innanya. It was contended by PW1 that she was treated as though she had been married only to perform household chores and was subjected to verbal abuse whenever she proceeded to have food in matrimonial home.

8. It is inferable and accepted by both the petitioner and 1st respondent that they entered the sacramental wedlock on 04.12.2016, and it accounted to have sustained till November 2019. The period of matrimonial life between the petitioner and the 1st respondent in the matrimonial home was short-lived, lasting only about four months, as is evident from the testimony elicited from the petitioner during cross- examination. In view of brief period of cohabitation in the matrimonial home, the allegation levelled by the petitioner is found to be primarily against the family members of the 1st respondent. Mere

repetition or sequential narration of allegations pertain demand for dowry, in the absence of cogent and corroborative evidence, cannot be elevated to the status of established facts.

9. When the application was preferred by the petitioner through the Protection Officer seeking a residence order, it is pertinent to note that, during the cross-examination of the petitioner, a specific question was put to her as to whether she was seeking restitution of conjugal rights, in form of residence order. The petitioner's response reveals that she was not inclined towards restoration of the matrimonial relationship despite claiming a residence order. This inconsistency indicates the existence of serious differences of opinion, discord, and animosity between the petitioner and the family members of the 1st respondent, thereby reflecting the strained nature of the relationship between the parties.

10. To give a going over of domestic violence against the respondent, the constituents such as abuse, threatening, injuries either pertaining to dowry or abuse cohering to physical, sexual, verbal and emotional and economic form should be least scanty prima facie, must be placed by the petitioner besides the averment in the form of drafting. In Paragraph No. 7 of the proof affidavit, the petitioner has stated that she gave birth to a female child, namely Innanya, on 17.12.2017. It is further alleged that petitioner was deserted by the respondents on account of having given birth to a girl child. However, this contention assumes significance when viewed in light of the admitted circumstance that the child Innanya remained in the custody and care of the 1st respondent and was brought up by him. The continued upbringing of the child by the 1st respondent casts doubt on the allegation that the petitioner was abandoned solely on account of the birth of a female child.

11. It is asserted by the petitioner that the respondent R1 being her husband, he neglected and refused to provide for the petitioner. 1st respondent who is an income-tax assesses, engaged as an IT professional, and possesses both movable and immovable properties, including a four-wheeler and a coconut grove, cannot be characterised as an impoverished individual merely on the basis of a self-serving assertion that he earns only a meager sum of Rs.25,000/- per month. Further, the assertion sought to be established through Ex.R4, namely that the 1st respondent was employed as an Associate Manager in a

firm known as Jupiter Agri Enterprises, has not been proved in accordance with the rules of evidence. Ex.R3 rental receipt and Ex R4 is nothing more than a self-serving document and, in the absence of independent corroboration, cannot be relied upon to establish the respondent's income or financial status.

12. The 1st Respondent, despite having been directed by this Hon'ble Court to pay interim maintenance of a modest sum of Rs.3,000/- per month, has willfully and deliberately failed to comply with the said order. Such conduct clearly demonstrates the economic abuse perpetrated against the Petitioner by the 1st Respondent. It is a well-settled principle of law that the failure or neglect to provide maintenance constitutes a continuing wrong, and each act of non-payment gives rise to a recurring cause of action. The persistent disobedience of the order of this Hon'ble Court further evidences the Respondent's disregard for his legal and moral obligations towards the Petitioner. The said aspect constitutes economic abuse and grapples the act of domestic violence. Further it is natural and fundamental duty for a man to maintain his wife.

13. The squabble erupted between the petitioner and respondent and both disjointed their matrimonial life, but the relationship of the petitioner Panchavarnam and the respondent Vijay as a wife and husband is not snagged, but the difference of opinion still hitting the ceiling and the 1st respondent as husband, is still embedded with the duty to provide maintenance the petitioner. Pertain the monetary relief, the respondent Vijay is directed to pay sum of Rs 15,000/- as monthly allowance for the maintenance for the petitioner Panchavarnam. The custody of the minor Innanya and the upbringing being with the 1st respondent is taken into consideration by this court. The monthly allowance for the maintenance is directed to be paid on or before the fifth day of every English calendar month. The petitioner is entitled to receive the maintenance from the date of this order. Since the question of custody of the minor child Innanya, stands concluded by an order passed by the competent higher forum(GWOP No.129/2021 - Ex.R2), this court refrains from entering upon or re-examining the said issue in the present proceedings.

14. The relief prayed as to return of stridhana property, i.e 12 sovereign gold, stands bereft as to its possession, and stands unsubstantiated and untried by adducing evidence

setting out its subsistence. The petitioner has not discharged her burden to prove the aforesaid fact by adducing evidence thereof. Hence no order is passed as to any stridhana property. The petitioner having neither sought to pursue the relief of residence order, nor is intended by the petitioner, consequently no residence is granted or passed. Though the petition by the petitioner u/s. 12 of the DV Act placed sufficient factum as to the incidents of Domestic Violence in the form of economic abuse, it does not entitles the petitioner for relief pertaining to the compensation order. The said claim of compensation was not substantiated by materials of facts as to the loss suffered by the petitioner. Hence no compensation order passed.

For the reason placed above the application/petition preferred by the petitioner is partly allowed.

In result the petitioner is entitled to relief U/s 20 as to Monetary relief and point a) alone is decided in favour of the petitioner.

Dictated by me to the typist, typed by him on computer, verified by me to be correct and pronounced in open court on 22nd day of June, 2026.

District Munsif Cum Judicial Magistrate No 1,
Kodaikanal.

1.Petitioner Side Witness

1. PW 1 – Panchavarnam.

2.Exhibits of the Petitioner

1. Ex. P1 - The complaint preferred by the petitioner with the Protection Officer Dindigul.
2. Ex.P2 – The domestic incident report (Form-1)
3. Ex. P3 - the application preferred U/s 12 of Act 45 of 2005 (Form 2)

3.Respondent Side Witness

1. RW 1- Vijay

4.Exhibits of the Respondent

1. Ex.R1 - The web copy pertain order passed in HMOP No.54/2021.

2. Ex.R2 - The web copy pertain order passed in GWOP No.129/2021
3. Ex.R3 - House rent receipt
4. Ex.R4 - The salary certificate issued by firm named Jupiter Agri Enterprises

District Munsif Cum Judicial Magistrate No 1,
Kodaikanal.

Copy To:

- a) Parties to the Application(petitioner & respondent)
- b) Police officer in-charge of police station in the jurisdiction, where the respondent resides in abidance to (Sec 20 (4) of the Act 43 of 2005) .
- c) Protection officer.