

**IN THE COURT OF JUDICIAL MAGISTRATE COURT AT SIRKALI**

Present: R.Kailaash, B.A., B.L.,  
Judicial Magistrate  
Sirkali.

**10<sup>th</sup> day of April 2026, Friday**

**D.V.C.No. 29 of 2024**

**Vidya**

W/o. Madhavan,  
Kamban street,  
Barathakudi, Vilanthidasamuthiram,  
Sirkali Tk, Mayiladuthurai Dt.

... Petitioner/Applicant

-Vs-

**Madhavan**

S/o. Ramu,  
Sembathaniruppu,  
Allivilagam Post, Sirkali Tk,  
Mayiladuthurai Dt.

... Respondent/Husband

This petition came for final hearing on 06.04.2026 in the presence of Advocate Mr. J.Noor Mohammed, the counsel for the Petitioner and on the said date there was no representation for the respondent. After hearing the submissions and perusal of records placed before me, I understood and deliver the following,

**ORDER**

1. This application has been filed by the Petitioner/wife & seeking various reliefs under the Protection of Women from Domestic Violence Act.

**2.Contention of the Petitioner:**

The Marriage between the petitioner and the respondent took place on **01.11.2010** at Vaitheeswaran Koil. At the time of marriage, Rs.1,50,000/- worth household appliances were given as marriage gift and the marriage expenses were borne by the petitioner's elderly mother as her father had passed away much earlier. The respondent is a drug addict and he did not have the habit of going for work on a daily basis. He wants to eat fish curry daily and if it is not cooked, he used to

mercilessly beat the petitioner. He used to invite his friends to their home for drinking and make the house messy. He also used to pass urine inside the house. On an occasion while he had invited his friends for drinks, the respondent was fully drunk and slept. Whereas, one of his friends named Suryamurthy had entered into the room where the petitioner was sleeping, had hugged her and tried to molest her. The next day when the petitioner had complained about this to the respondent, he did not care much. Rather, he had advised the petitioner not to disclose this to anybody. Further, he had beaten her and had driven away out of the matrimonial home.

3. Later on, the petitioner had learnt that the respondent was already married and divorced. By suppressing the said fact, the respondent had married the petitioner. Aggrieved by the same, the petitioner had preferred a complaint before All Women Police Station, Sirkali and therein the respondent has categorically stated that he is not willing to live with the petitioner. Thus, the respondent had completely ruined the life of the petitioner. For the past few months the petitioner has been residing at her paternal home with her mother who is elderly and sick. In these circumstances, the petitioner had prayed for the protection order, return of stridhana articles, maintenance and compensation.

4. Since the notice to the respondent was served and he did not turn up even then, he was set exparte. Later, he had filed a petition for exparte set-aside and that was allowed and the order was set aside. In spite of the same the respondent had failed to contest this case in a fullfledged manner. On behalf of the petitioner side, she was examined as **P.W.1** and **Ex.P1-P4** were marked.

5. Heard the petitioner side. Perused the materials and documents available on record.

6. The counsel for the complainant argued that the petitioner has established the domestic violence and prayed for awarding all the reliefs as sought for in this application.

**7. The points for consideration are as follows:**

(i) Whether the respondent had committed the acts of domestic violence against the petitioner?

(ii) Whether the petitioner is entitled for the reliefs as claimed in this application?

**8. Point No.I:**

The petitioner had filed this application seeking various reliefs claiming that the respondent had committed the acts of domestic violence against her. Before advertng to further discussion, it would be appropriate to extract the definition of 'domestic violence', 'aggrieved person', 'shared household' and 'domestic relationship' under the Protection of Women from Domestic Violence Act, 2005. Section 3 of DV Act, 2005 defines 'domestic violence' as:

**“3. Definition of domestic violence.—**

For the purposes of this Act, any act, omission or commission or conduct of the respondent shall constitute domestic violence in case it—

- (a) harms or injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse;
- or
- (b) harasses, harms, injures or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security; or
- (c) has the effect of threatening the aggrieved person or any person related to her by any conduct mentioned in clause (a) or clause (b); or
- (d) otherwise injures or causes harm, whether physical or mental, to the aggrieved person.”

Section 2(a) of the DV Act defines ‘aggrieved person’, which reads as follows:

**“2(a) “aggrieved person”** means any woman who is, or has been, in a domestic relationship with the respondent and who alleges to have been subjected to any act of domestic violence by the respondent;”

Section 2(s) of DV Act defines 'shared household', which reads as follows:

**“2(s) - shared household** means a household where the person aggrieved lives or at any stage has lived in a domestic relationship either singly or along with the respondent and includes such a household whether owned or tenanted either jointly by the aggrieved person and the respondent, or owned or tenanted by either of them in respect of which either the aggrieved person or the respondent or both jointly or singly have any right, title, interest or equity and includes such a household which may belong to the joint family of which the respondent is a member, irrespective of whether the respondent or the aggrieved person has any right, title or interest in the shared household.”

Section 2(f) of the DV Act defines ‘domestic relationship’, which reads as follows:

**“2(f) “domestic relationship”** means a relationship between two persons who live or have, at any point of time, lived together in a shared household, when they are related by consanguinity, marriage, or through a relationship in the nature of marriage, adoption or are family members living together as a joint family;”

Section 2(q) of the DV Act defines ‘respondent’, which reads as follows:

**“2(q) “respondent”** means any adult male person who is, or has been, in a domestic relationship with the aggrieved person and against whom the aggrieved person has sought any relief under this Act.”

**9.** The evidence on record shows that the petitioner is an aggrieved person as defined under Section 2(a) of DV Act and she was in domestic relationship

with the respondent as defined in Section 2(f) of the said Act. Now, it would be relevant to discuss about each and every aspect of the evidences that were brought on record for deciding the question of domestic violence.

**10.** As far as the **deposition of P.W.1** is concerned, she had deposed in line with her application. The petitioner had given evidence on affidavit explaining the various kinds of abuses caused to her by the respondent such as beating, suppression of previous marriage, inviting friends for drinking and creating a hostile atmosphere inside the house, verbal abuse etc. But, the petitioner had not filed the statement of assets and liabilities as envisaged in the judgment of Hon'ble Supreme Court of India dated **04.11.2020** in ***Rajnish Vs. Neha & Anr (Crl.A.No.730/2020)***.

**11.** Section 3 Explanation Clause II of the Domestic Violence Act stipulates that "For the purpose of determining whether any act, omission, commission or conduct of the respondent constitutes "domestic violence" under this Section, the overall facts and circumstances of the case shall be taken into consideration". It is well settled that notwithstanding the penal provisions in the form of Sections 31 and 33 of Chapter V, the proceedings before the Magistrate under the DV Act, 2005, are predominantly of a civil nature. Therefore, the yardstick of proof is 'preponderance of probability' and not 'beyond reasonable doubt'. With these settled principles in mind, if the chief examination of the petitioner is analysed, this court is of the considered opinion that the petitioner had proved the allegation of domestic violence caused to her by the respondent in the standard of preponderance of probabilities. Accordingly, the Point No.1 is answered in favour of the petitioners.

**12. Point No.II:**

Though the D.V. Act enumerates several reliefs to an aggrieved person, the entitlement to any of such reliefs is contingent on the aggrieved person proving by the standard of preponderance of probability that she has suffered domestic violence of any kind at the hands of the respondents. The said proposition has been recognised by the Hon'ble Supreme Court of India vide its order dated **28.01.2019** in ***Sangita Saha Petitioner(S) v. Abhijit Saha And Others (S) [Petition(s) for Special Leave to Appeal (Crl.) No(s). 2600-2601/2016]***. Since the petitioner had proved the domestic violence

caused by the respondent, this court is of the prima facie opinion that the petitioner is entitled for the reliefs as claimed in this application. Now, it would be relevant to discuss more about the entitlement of the said reliefs in the light of scope of the law.

**13.** As far as the **monetary relief** is concerned, Section 20 of the DV Act empowers the Magistrate to pass order while disposing of an application under Section 12(1) of the DV Act directing respondents to pay monetary relief to meet the expenses incurred and losses suffered by the aggrieved person and any child of the aggrieved person as a result of the domestic violence. As it can be inferred from the pleadings, there was no loss of earning or medical expenses or loss of property to the petitioners on account of the domestic violence caused by the respondents. Considering the facts, circumstances and in view of enabling the petitioners to lead a life of a reasonable comfort, in the aspect of ‘monetary relief’, this court deems it fit to pass an order to the effect that the Respondent shall pay alimony to the petitioner at the rate of **Rs.5,000/-** per month. The said maintenance is ordered to be paid from the date of filing of this application u/s 12 of the DV Act. ie. from 14.10.2024 onwards. The respondent shall pay the said maintenance amount to the petitioners within 5<sup>th</sup> day of every month. It is also made clear that the due date for making the first instalment payment is **10.05.2026**. The arrears of maintenance liable to be paid from 14.10.2024 till date ie. 10.04.2026 is ordered to be paid within **10.06.2026**. Likewise, the **protection order** as well is hereby granted and the respondent is directed not to cause harm of any sorts to the petitioner.

The Head Clerk of this court is directed to send a True Copy of this order to the **Officer in Charge of Sirkali P.S** for the purpose of enforcement of the order.

**14.** As far as the **compensatory relief** is concerned, Section 22 of the DV Act empowers the Magistrate to pass order in addition to other reliefs, directing the respondent to pay compensation and damages for the injuries including mental and emotional distress caused by the acts of domestic violence caused by the respondents. Considering the facts, circumstances, the bald nature of the description of domestic violence caused and the injuries sustained, in the aspect of ‘compensation’, this court deems it fit to pass an order to the effect that the

respondent shall pay compensation to the petitioner to the tune of **Rs.50,000/-** within one month from the date of passing of this order. Accordingly, the Point No.2 is answered in favour of the petitioners.

**15.** As far as the relief of **return of stridhana property** is concerned, Section 19(8) of the DV Act empowers the Magistrate to pass order directing the respondent to return to the possession of the aggrieved person her stridhan or any other property or valuable security to which she is entitled to. Though the petitioner had filed several receipts during her chief examination, none of them were issued in her name. The person in whose name the receipts were issued was not examined as witness. Thus, the petitioner has not established any prima facie connection of those jewels with the marriage. In these circumstances, this court is not inclined to grant any relief regarding the return of stridhan articles.

In the result, this application filed by Petitioner is partly allowed. The petitioner had proved the allegation of domestic violence caused to her by the respondent in the standard of preponderance of probabilities and so the petitioner is entitled for the reliefs as claimed in this application from them as follows:

**Protection Order** – The respondent shall not cause harm of any sort.

**Monetary Relief** - The Respondent shall pay maintenance amount to the petitioner at the rate of **Rs.5,000/-** per month and within 5<sup>th</sup> day of every month and it is ordered to be paid from the date of application i.e. from 14.10.2024 onwards.

**Compensatory Order** – The respondent shall pay compensation to the petitioner to the tune of **Rs.5,000/-** within one month from the date of passing of this order.

The Head Clerk of this court shall send a True Copy of this order to the **Officer in Charge of Sirkali P.S** for the purpose of enforcement of the order.

Dictated to typist, typed by him, corrected and pronounced by me in the open Court on this 10<sup>th</sup> day of April 2026.

Judicial Magistrate,  
Sirkali

**List of witnesses examined on the Petitioner's side:**

P.W.1 – Vidya (Petitioner)

**List of exhibits marked on the side of petitioner through P.W.1:**

<b>S.No</b>	<b>Date</b>	<b>Document</b>	<b>Exhibit</b>
1.	15.11.2019	The wedding invitation	<b>Ex.P1</b>
2.	24.11.2023	Copy of CSR No.556/2023	<b>Ex.P2</b>
3.	15.11.2019	The wedding photograph	<b>Ex.P3</b>
4.		Marriage gifts receipts (6)	<b>Ex.P4</b>

**List of witnesses examined/exhibits marked on the Respondent's side: Nil**

Judicial Magistrate  
Sirkali.