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DVC.No.31 of 2023

IN THE COURT OF THE JUDICIAL MAGISTRATE, KARAIKUDI

PRESENT: THIRU. J.KARMEGAKANNAN, B.A., B.L.,

JUDICIAL MAGISTRATE, KARAIKUDI

Thursday, the 18th day of June 2026

D.V.C.No.31 of 2023

CNR No.TNSV19 – 004 – 591 – 2023

1. B. Maheshwari,

D/o. Bose,

No.8, Municipal Street,

Ganesapuram, Puthusanthai South,

Karaikudi, Sivagangai District.

2. Haashini, (Minor)

D/o. Pandimanikandan,

3. Kawin Sabari, (Minor)

S/o. Pandimanikandan,

(2nd and 3rd Petitioners are represented

through the 1st petitioner as their

mother and the natural guardian)

..... Petitioners

-VS-

1. S. Pandimanikandan,

S/o. Senthilvel,

A2, 103, A-Sector BHEL Township

Thuvakudi,

Kailasapuram,

Thiruchy District.

2. Vijayalakshmi,

W/o. Senthilvel,

A2, 103, A-Sector BHEL Township



Thuvakudi,
Kailasapuram,
Thiruchy District.

3. Senthilvel,
S/o. Ramanathan Pillai,
A2, 103, A-Sector BHEL Township
Thuvakudi, Kailasapuram,
Thiruchy District.

.... Respondents

This petition is coming on 18.06.2026 for final consideration before me, in the presence of counsel Thiru.R.Abdul Sithikque for the Petitioners and Thiru.K.T.Seeralamathan for the Respondents and upon hearing petitioner side, and perusing the case records, this court delivered the following:

ORDER

1.The petition has been filed by the 1st petitioner, for herself and on behalf of the minor petitioners 2 and 3, under Section 12 of the Protection of Women from Domestic Violence Act, 2005, seeking various reliefs under Sections 18, 19(1)(f), 20 and 22 of the Act against the respondents.

2. The case of the petitioners, in brief, is as follows;-

The marriage between the 1st petitioner and the 1st respondent was solemnized on 29.03.2013 in accordance with the customs and in the presence of elders. Respondents 2 and 3 are the parents of the 1st respondent. At the



time of marriage, the parents of the 1st petitioner allegedly provided 12½ sovereigns of gold jewels to the 1st petitioner, 5 sovereigns of gold jewels to the 1st respondent and Sridhana articles worth about Rs.50,000/-. After the marriage, the parties lived together in the matrimonial home. Out of the wedlock, the 2nd petitioner was born on 09.04.2014 and the 3rd petitioner was born on 04.10.2015. According to the petitioners, the 1st respondent is employed as a welder in BHEL, Tiruchirappalli, and is earning a substantial monthly income. It is alleged that respondents 2 and 3 were controlling the earnings of the 1st respondent and frequently subjected the 1st petitioner to humiliation and ill-treatment. The petitioners further contend that the respondents demanded a sum of Rs.5,00,000/- from the parental family of the 1st petitioner and failed to provide proper care and nourishment during her pregnancy. The 1st respondent is also alleged to have subjected the 1st petitioner to physical, mental and sexual harassment, particularly under the influence of alcohol. It is further alleged that the 1st respondent maintained inappropriate relationships and communications with other women and neglected the welfare of the 1st petitioner and the children. Whenever the 1st petitioner questioned his conduct, the 1st respondent allegedly assaulted and intimidated her. The petitioners further state that respondents 2 and 3 supported the conduct of the 1st respondent and even threatened to arrange a second marriage for him. Due to the continuous acts of cruelty, the 1st petitioner lodged a complaint before the All Women Police Station, Thiruverumbur, on



20.07.2018, for which a CSR receipt was issued. Though the parties resumed cohabitation on police intervention, the alleged acts of domestic violence continued. The petitioners further allege that the 1st respondent repeatedly assaulted the 1st petitioner and also behaved cruelly towards the minor children while under the influence of alcohol. On one such occasion, the 1st petitioner sustained injuries and underwent medical treatment. It is further alleged that the respondents retained the Sridhana articles and jewels belonging to the 1st petitioner and that some of the jewels were pledged by the 1st respondent without her consent. Complaints were also submitted to the BHEL authorities and the All Women Police Station regarding the conduct of the 1st respondent. Ultimately, on 07.06.2022, the petitioners were allegedly driven out of the matrimonial home and have since been residing with the aged parents of the 1st petitioner. The petitioners contend that despite having sufficient income and properties, including a house at Karaikudi and landed properties at Tiruchirappalli, the 1st respondent has failed to provide any maintenance to the petitioners. Alleging that they are victims of domestic violence and are suffering severe financial hardship, physical pain and mental agony, the petitioners have approached this Court seeking appropriate reliefs under the Domestic Violence Act.

3. The petitioners have therefore prayed for (i) return of the jewels and Sridhana articles belonging to the 1st petitioner, (ii) a direction to the 1st respondent to provide a separate residential accommodation at Karaikudi under



Section 19(1)(f) of the Act, (iii) payment of maintenance of Rs.30,000/- per month to the petitioners together with Rs.10,000/- per month towards educational expenses of the children, (iv) a protection order restraining the respondents from committing any act of domestic violence, and (v) compensation of Rs.10,00,000/- under Section 22 of the Act for the physical and mental suffering allegedly caused by the respondents.

4. The case of the respondents in brief is as follows;-

The respondents have filed a detailed counter statement denying the allegations contained in the petition paragraphwise. The counter affidavit filed by the first respondent has been adopted by respondents 2 and 3. The respondents have, however, admitted the marriage between the first petitioner and the first respondent and the birth of the second and third petitioners. The first respondent has further admitted that he is employed in BHEL, Trichy. According to the respondents, while the parties were residing in the joint family, respondents 2 and 3 were taking care of the petitioners and the first respondent used to visit Karaikudi whenever he was on leave. It is their specific case that the first petitioner was habitually suspicious of the first respondent's character and frequently questioned him even when he used his mobile phone. She allegedly objected to his speaking with female colleagues and female relatives even on casual occasions and often picked quarrels with him on that account. The respondents further contend that the first petitioner had taken the



first respondent's mobile phone, sent messages on her own, taken screenshots of the same and also created a fake e-mail account. When questioned about the same, she allegedly insisted that the first respondent should not look after his parents and demanded that he establish a separate residence away from them. The respondents state that after the birth of the children, they visited the petitioners at the parental home of the first petitioner. It is further alleged that the first petitioner constantly spoke ill of respondents 2 and 3. According to the respondents, on 20.07.2018, the first petitioner lodged a false complaint before the All Women Police Station, Karaikudi, where both parties were advised to reside together in the BHEL quarters at Trichy. The respondents submit that respondents 2 and 3 are aged persons and are dependent upon the first respondent. It is further stated that the father of the first respondent underwent treatment for a heart ailment on 16.05.2022 and that the first respondent took care of him at Trichy. The first petitioner allegedly did not approve of the same and insisted that his parents be sent away from the family. The respondents further allege that the first petitioner threatened to cause injuries to herself and lodge false complaints against the first respondent. On one occasion, she is stated to have inflicted injuries upon herself and lodged a complaint before the first respondent's employer, for which he was required to submit an explanation. It is also the case of the respondents that the first petitioner made false allegations about the first respondent before his employer as well as among neighbours. According to them, on 07.06.2022, the first petitioner left



the matrimonial home and went to her parental house after creating unnecessary quarrels. Thereafter, despite efforts made by the first respondent and family elders to bring about a reunion, the first petitioner allegedly refused to resume cohabitation. The respondents further contend that on 06.06.2023, the first petitioner took away all her articles and returned to her parental home. The respondents have specifically denied the allegation of dowry demand and contend that no such demand was ever made, particularly in view of the fact that the first respondent was gainfully employed and earning sufficiently. The first respondent further states that he had availed a housing loan of Rs.41,00,000/- from HDFC Bank, Cantonment Branch, Trichy, for which he is paying a monthly instalment of approximately Rs.40,000/-. He has also availed another loan of Rs.19,00,000/- and is paying a monthly instalment of about Rs.31,000/-. According to him, a substantial portion of his salary is being utilized towards repayment of these loans. The respondents further contend that the jewels and other articles belonging to the first petitioner are already in her custody. According to them, the present petition has been filed at the instigation and on the advice of the parents of the first petitioner. Hence, they have prayed for dismissal of the petition.

5. In order to substantiate the case of the petitioners, the first petitioner examined herself as PW1 and her mother, namely Gangadevi, was examined as PW2. On the side of the petitioners, Ex.P1 to Ex.P17 were marked. The documents relied upon by the petitioners are as follows:



- i) Ex.P1 – Copy of the Aadhaar Card of the first petitioner;
- ii) Ex.P2 – Marriage Invitation
- iii) Ex.P3 – Marriage Photograph
- iv) Ex.P4 – Marriage Registration Certificate
- v) Ex.P5 – Copy of the note containing the list of Sridhana articles
- vi) Ex.P6 – Copy of the Birth Certificate of the second petitioner
- vii) Ex.P7 – Copy of the Birth Certificate of the third petitioner
- viii) Ex.P8 – Online-generated salary particulars of the first respondent
- ix) Ex.P9 – Compact Disc (CD) alleged to contain threats made to the first petitioner
- x) Ex.P10 – CSR Receipt issued by the All Women Police Station, Karaikudi
- xi) Ex.P11 – Medical Identity Card of the first petitioner
- xii) Ex.P12 – Medical records relating to the treatment of the first petitioner
- xiii) Ex.P13 – Out-Patient Book relating to eye treatment of the first petitioner
- xiv) Ex.P14 – Jewel pledge receipts
- xv) Ex.P15 – Electricity Bill standing in the name of the first respondent



xvi) Ex.P16 – Copy of the Sale Deed dated 27.10.2021 standing in the name of the first respondent

xvii) Ex.P17 – Copy of the Aadhaar Card of PW2, namely Gangadevi.

6. It is seen that the respondents have neither examined any witness nor marked any document in support of their defence.

7. This court heard the learned counsels on either side and carefully perused the entire materials on records.

8. The points for consideration is as follows;-

1. Whether the 1st petitioner proves that she is an aggrieved person within the meaning of Section 2(a) of the Protection of Women from Domestic Violence Act, 2005, and that she was in a domestic relationship with the respondents?

2. Whether the petitioners prove that the respondents committed acts of domestic violence as defined under Section 3 of the Protection of Women from Domestic Violence Act, 2005?

3. Whether the petitioners are entitled to the reliefs sought under Sections 18, 19(1)(f), 20 and 22 of the Protection of Women from Domestic Violence Act, 2005?

4. To what other reliefs, if any, are the petitioners entitled?



The points for consideration is as follows;-

Point No.1: Whether the 1st petitioner proves that she is an aggrieved person within the meaning of Section 2(a) of the Protection of Women from Domestic Violence Act, 2005, and that she was in a domestic relationship with the respondents?

9. The relationship between the parties is not in dispute. The marriage between the 1st petitioner and the 1st respondent is admitted by both sides. The birth of petitioners 2 and 3 through the said wedlock is also admitted. Ex.P2 Marriage Invitation, Ex.P3 Marriage Photograph, Ex.P4 Marriage Registration Certificate and Exs.P6 and P7 Birth Certificates clearly establish the marital relationship between the parties and the existence of a domestic relationship within the meaning of the Protection of Women from Domestic Violence Act, 2005.

10. The specific case of the 1st petitioner is that she was subjected to physical, mental and emotional abuse by the 1st respondent during the subsistence of the marriage. In support of her case, she examined herself as PW1. Her evidence is further corroborated by PW2, who is her mother. Significantly, PW2 was not cross-examined by the respondents. Hence, her testimony remains unchallenged and there is no reason to discard the same.

11. The medical records marked as Ex.P12 assume considerable importance. A perusal of Ex.P12 reveals that the 1st petitioner underwent



treatment and it is specifically recorded therein that she was assaulted by her husband on 30.09.2016. Though the respondents have denied the allegations of assault, no contra evidence or medical records have been produced to discredit Ex.P12. Mere denial in the counter statement, without supporting evidence, is insufficient to disbelieve the medical records produced by the petitioner.

12. The evidence of PW1, the unchallenged testimony of PW2 and the medical records under Ex.P12, when read together, probabalise the case of the petitioner that she was subjected to physical and mental cruelty by the 1st respondent. Therefore, this Court is satisfied that the 1st petitioner is an aggrieved person within the meaning of Section 2(a) of the Act and that she was in a domestic relationship with the respondents. The point is answered in favour of the petitioners.

Point No.2: Whether the petitioners prove that the respondents committed acts of domestic violence as defined under Section 3 of the Protection of Women from Domestic Violence Act, 2005?

13. The allegations made by the petitioners include physical assault, mental harassment, verbal abuse, economic abuse and neglect. PW1 has spoken in detail regarding the conduct of the 1st respondent. Ex.P10 CSR Receipt issued by the All Women Police Station shows that complaints had been lodged by the petitioner regarding matrimonial disputes. Ex.P12 and Ex.P13 medical



records further support her allegation that she sustained injuries during the matrimonial life.

14. The respondents have taken a defence that the 1st petitioner was suspicious of the character of the 1st respondent and frequently picked up quarrels. However, except making such allegations in the counter statement, no oral or documentary evidence has been let in by the respondents. Though ample opportunity was granted, neither the 1st respondent nor respondents 2 and 3 entered the witness box. No documents were marked on their side. Therefore, the evidence adduced by the petitioners remains substantially un rebutted.

15. At the same time, insofar as respondents 2 and 3 are concerned, the allegations against them are general in nature. Except stating that they supported the conduct of the 1st respondent and ill-treated her, there is no specific and convincing evidence establishing any independent act of domestic violence committed by them. The Domestic Violence Act requires proof of specific acts and mere omnibus allegations are not sufficient to fasten liability.

16. However, as against the 1st respondent, the materials available on record, particularly the medical records and the oral evidence of PW1 and PW2, clearly establish that the 1st petitioner was subjected to physical and mental cruelty. Such conduct squarely falls within the definition of domestic violence under Section 3 of the Act. Hence, the petitioners have proved



domestic violence against the 1st respondent. The allegations against respondents 2 and 3 are not established.

Point No.3: Whether the petitioners are entitled to the reliefs sought under Sections 18, 19(1)(f), 20 and 22 of the Protection of Women from Domestic Violence Act, 2005?

17. The first relief sought by the petitioner is return of her jewels and Sridhana articles. Ex.P5 contains the list of Sridhana articles and Ex.P14 consists of jewel pledge receipts. A perusal of Ex.P14 shows that the necklace belonging to the petitioner had been pledged by the 1st respondent in his own name. Once the petitioner establishes that her jewels were pledged by the 1st respondent, the burden shifts upon him to prove either that the jewels were subsequently returned to her or that she had taken possession of the same. No such evidence has been produced by the 1st respondent. Therefore, this court finds that the petitioner is entitled to return of all her jewels and Sridhana articles.

18. The second relief relates to residence under Section 19(1)(f) of the Act. It is admitted that the petitioners are presently residing in the house of the parents of the 1st petitioner. Having found that the 1st petitioner was subjected to domestic violence by the 1st respondent, this court is of the view that it would not be appropriate to compel her to reside with him in the company quarters at Trichy. Every woman is entitled to live with dignity and security.



Therefore, the petitioners are entitled to a separate residential accommodation at Karaikudi at the expense of the 1st respondent.

19. With regard to maintenance, the petitioners have sought Rs.30,000/- per month towards maintenance and Rs.10,000/- towards educational expenses. It is not in dispute that the 1st respondent is employed in BHEL, a Central Government undertaking. Likewise, the Ex.P8 also indicates that he is earning a regular salary. The respondents have not produced any proof to show that maintenance has been paid to the petitioners after they started living separately.

20. The Hon'ble Supreme Court has repeatedly held that parties in maintenance proceedings should disclose their assets and liabilities and the principal in regards has been laid down by the Hon'ble Apex court in Rajnesh Vs Neha. In the present case, the petitioners have filed the affidavit relating to assets and liabilities. Despite directions and sufficient opportunities, the 1st respondent failed to file the same. The affidavit filed by the petitioner shows that she has no independent source of income. Significantly, even in the counter statement the respondents have not specifically pleaded that the 1st petitioner is gainfully employed.

21. Though the 1st respondent has pleaded that he is repaying substantial housing and other loans, no loan documents, bank statements or repayment records have been produced. Therefore, the said plea cannot be accepted in its entirety. However, it is also necessary to take into consideration



that the 1st respondent has to maintain his aged parents. There is no straight-jacket formula for fixation of maintenance and the same depends upon the status of the parties, their needs and the earning capacity of the person liable to pay. Taking into consideration the income of the 1st respondent, the needs of the 1st petitioner and the two minor children, the cost of living and educational expenses, this court is of the view that petitioners are entitled for a reasonable amount.

22. Insofar as the relief under Section 18 of the Act is concerned, the materials on record establish that the 1st petitioner was subjected to cruelty and harassment by the 1st respondent. Therefore, a protection order is liable to be granted against the 1st respondent. However, in the absence of specific evidence against respondents 2 and 3, such relief cannot be granted against them.

23. With regard to compensation under Section 22 of the Act, the evidence on record establishes that the petitioner suffered physical injuries, mental agony and emotional distress. Ex.P10 CSR receipt, Ex.P12 medical records and the oral evidence support the claim of cruelty and during the cross examination nothing elicited in favour of the respondent. Though the petitioner has sought compensation of Rs.10,00,000/-, the same appears excessive in the facts and circumstances of the case. Taking into account the nature of the injuries, mental suffering caused and the earning capacity of the 1st respondent,



this court is of the view that some reasonable amount of compensation would meet the ends of justice. Accordingly, the petitioners are entitled to reliefs under Sections 18, 19(1)(f), 20 and 22 of the Act against the 1st respondent.

Point No.4: To what other reliefs, if any, are the petitioners entitled?

24. In view of the findings recorded above, this court holds that the petition deserves to be partly allowed as against the 1st respondent and dismissed as against respondents 2 and 3.

25. In the result, this petition is partly allowed on the following terms:

(i) The 1st respondent shall return all the jewels and Sridhana articles belonging to the 1st petitioner within one month from the date of this order.

(ii) The 1st respondent shall secure and provide a separate residential accommodation at Karaikudi for the petitioners and shall bear the entire expenses relating thereto.

(iii) The 1st respondent shall pay maintenance of Rs.10,000/- (Rupees Ten Thousand only) per month to each petitioner, namely petitioners 1 to 3, totaling Rs.30,000/- per month, from the date of filing of the petition and shall clear the arrears within two months from the date of this order.

(iv) The monthly maintenance shall be paid on or before the 5th day of every English calendar month.



(v) The 1st respondent is restrained from committing any act of physical, verbal, emotional or economic abuse against the petitioners.

(vi) The 1st respondent shall pay a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the 1st petitioner as compensation under Section 22 of the Act within one month from the date of this order.

(vii) The petition is dismissed as against respondents 2 and 3.

(viii) A copy of this order shall be forwarded to the concerned Protection Officer for effective implementation of the directions contained herein.

(ix) In the event of non compliance of any of the directions contained in this order, it is open to the 1st petitioner to invoke the provisions of Section 31 of the Protection of Women from Domestic Violence Act, 2005.

Typed by me in my computer, verified by me to be correct and pronounced in open court on 18th day of June, 2026.

Judicial Magistrate,
Karaikudi.

Petitioner side Witnesses;	
1.PW1	Maheshwari
2.PW2	Gangadevi
Petitioner Side Exhibits;	



1.ExP1	Copy of the Aadhaar Card of the first petitioner
2.ExP2	Marriage Invitation
3.ExP3	Marriage Photograph
4.ExP4	Marriage Registration Certificate
5.ExP5	Copy of the note containing the list of Sridhana articles
6.ExP6	Copy of the Birth Certificate of the second petitioner
7.ExP7	Copy of the Birth Certificate of the third petitioner
8.ExP8	Online-generated salary particulars of the first respondent
9.ExP9	Compact Disc (CD) alleged to contain threats made to the first petitioner
10.ExP10	CSR Receipt issued by the All Women Police Station, Karaikudi
11.ExP11	Medical Identity Card of the first petitioner
12.ExP12	Medical records relating to the treatment of the first petitioner
13.ExP13	Out-Patient Book relating to eye treatment of the first petitioner
14.ExP14	Jewel pledge receipts
15.ExP15	Electricity Bill standing in the name of the first respondent
16.ExP16	Copy of the Sale Deed dated 27.10.2021 standing in the name of the first respondent
17.ExP17	Copy of the Aadhaar Card of PW2, namely Gangadevi
Respondent side witness – NIL	
Exhibits of the respondent – NIL	

Judicial Magistrate,
Karaikudi.