



IN THE COURT OF THE JUDICIAL MAGISTRATE, KARAİKUDI

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

Judicial Magistrate, Karaikudi

Tuesday, the 10<sup>th</sup> day of March 2026

D.V.C.No.39 of 2025

CNR No.TNSV19 – 005 – 864 – 2025

1)Aishwarya,

W/o.Sathish @ Durai Raj,

Door No.14/9, Gandhipuram 1<sup>st</sup> Street,

V.O.C.Road, Karaikudi Town,

Sivagangai District.

2),S. Samithra Sri, (Minor)

D/o.Sathish @ Durai Raj,

3)S.Mahizhmithra Sri, (Minor)

D/o.Sathish @ Durai Raj,

Door No.14/9, Gandhipuram 1<sup>st</sup> Street,

V.O.C.Road, Karaikudi Town,

Sivagangai District.

(The 1st petitioner, for herself, and as the mother

and guardian of the 2nd and 3rd petitioners)

..... Petitioners

-vs-

1)Sathish @ Durai Raj,

S/o.Krishnan,

Door No.48-9/13, Chidambaranar Street,

Kayathar,

Thoothukudi District.



2)Krishnan,  
Door No.48-9/13, Chidambaranar Street,  
Kayathar,  
Thoothukudi District.  
Karaikudi Town & Taluk,  
Sivagangai District.

3)Viji,  
W/o.Krishnan,  
Door No.48-9/13, Chidambaranar Street,  
Kayathar,  
Thoothukudi District.

.... Respondents

This petition is coming on 10.03.2026 for final consideration before me, in the presence of counsel Mr.N.Sankar for the Petitioner and 1 to 3 respondents had been set exparte, by this court on 06.02.2026 and upon hearing petitioner side, and perusing the case records, this court delivered the following:

**ORDER**

1.This petition has been filed by the petitioners under Section 12 of the Protection of Women from Domestic Violence Act, 2005 seeking various reliefs against the respondents. The petitioners have prayed for the following reliefs:



1. Under Section 19 of the Act, directing the 1st respondent to permit the 1st petitioner and the minor petitioners 2 and 3 to reside in the shared household situated at Door No.48-9/13, Chidambaranar Street, Kayathar, Tuticorin District.

2. Under Section 20 of the Act, directing the 1st respondent to pay a sum of Rs.20,000/- per month to the 1st petitioner and Rs.15,000/- per month each to the petitioners 2 and 3 towards maintenance.

3. Directing the respondents to pay a sum of Rs.25,000/- towards litigation expenses.

4. Directing the 1st respondent to pay a sum of Rs.50,000/- towards the loan amount in Loan Account No.170011129630 at Canara Bank, Kayathar.

5. Directing the respondents to pay a sum of Rs.10,00,000/- as compensation to the petitioners under Section 22 of the Act.

2. The case of the petitioners is that the marriage between the 1st petitioner and the 1st respondent was solemnized on 10.11.2021 at Agilandeswari Amman Temple, Kayathar, in the presence of elders and relatives. At the time of marriage, the parents of the 1st petitioner gave about 12 sovereigns of gold jewels to her along with other sridhana articles worth about Rs.1,50,000/-. For the 1st respondent, 3 sovereigns of gold jewels were also given. At the time of marriage, the 1st respondent represented that he had



completed an Optometry Degree and that he was also a partner in a bakery business. After the marriage, the 1st petitioner and the 1st respondent lived together at Kayathar in the house of the 1st respondent along with the respondents 2 and 3. The 1st petitioner states that she performed all household duties and also assisted her father-in-law and mother-in-law. Out of the lawful wedlock, the 2nd petitioner was born on 10.02.2022 and the 3rd petitioner was born on 13.06.2024. Both are female children. It is further stated that after the marriage the couple lived at Kayathar for about eight months. Thereafter the 1st respondent informed that there was a dispute in the bakery business and he joined a car company at Tirunelveli. During the pregnancy period of the 1st petitioner, her parents took her to Karaikudi after conducting the bangle ceremony. Later, the 1st respondent brought her to Tirunelveli. At that time the respondents 2 and 3 allegedly told the 1st respondent that the 1st petitioner had not given birth to a male child. Accepting the words of his parents, the 1st respondent started abusing the 1st petitioner. He also used to quarrel with her in a drunken state. Subsequently the 1st respondent left the job in the car company and started running a candy and cool drinks business under the name and style of Sri Angala Parameshwari Agency and later the 1st petitioner became pregnant again. During that time also the respondents 2 and 3 insisted that a male child should be born. However, the 3rd petitioner, who is a female child, was born on 13.06.2024. When the birth of the child was informed to the respondents, they allegedly showed no interest and disconnected the phone.



Thereafter the parents of the 1st petitioner brought her to Tirunelveli. The petitioner states that since she had given birth to two female children, the respondents 2 and 3 did not treat her with affection and even stated that they would arrange a second marriage for the 1st respondent in order to have a male child. Due to such conduct, the 1st petitioner states that she suffered mental agony and depression. At that time she also came to know that the 1st respondent had an illicit relationship with a woman residing on the first floor of the house where the 1st respondent lived. When the 1st petitioner questioned the same, the 1st respondent allegedly drove her out of the house stating that she was unable to give birth to a male child. The petitioner states that she informed the same to her father and also lodged a complaint before the Palayamkottai Police Station. Thereafter the 1st respondent arranged a rented house for a monthly rent of Rs.8,000/-, but even there the relationship between them was not cordial. On 22.10.2025 the 1st respondent allegedly locked the house and drove the 1st petitioner and the children out. Thereafter the petitioner went to her parental house at Karaikudi. It is also stated that the respondents told her that since she had only female children and had undergone family planning operation, she would not be taken back to their house. The petitioner further states that she has no independent income and that she is struggling to provide food, clothing, shelter and medical care for herself and her two minor daughters. Hence this petition seeking the above reliefs.



3. Notice was ordered to the respondents. Though notice was served, the respondents failed to appear before this Court. Hence, the respondents 1 to 3 were set ex-parte on 06.02.2025 and the matter was proceeded ex-parte.

4. On the side of the petitioners, the 1st petitioner was examined as PW1 and the following documents were marked namely Ex.P1 – Copy of Aadhar Card of the 1st petitioner, Ex.P2 – Marriage Invitation dated 10.11.2021, Ex.P3 – Birth Certificate of the 2nd petitioner dated 10.10.2022, Ex.P4 – Birth Certificate of the 3rd petitioner dated 13.06.2024, Ex.P5 – Business Registration Certificate of the 1st respondent in the name and style of Sri Angala Parameshwari Agency.

5. This Court heard the learned counsel appearing for the petitioners and carefully perused the materials available on record.

#### **6. Points for Consideration**

1. Whether the 1st petitioner is an aggrieved person under the Protection of Women from Domestic Violence Act and whether she was subjected to domestic violence by the respondents?

2. Whether the petitioners are entitled to the relief of residence and maintenance as claimed in the petition?

3. Whether the petitioners are entitled to compensation and litigation expenses?

4. Whether the petitioners are entitled to the relief directing the 1st respondent to pay Rs.50,000/- towards the loan amount?



5. To what other reliefs the petitioners are entitled?

**7. The points for consideration is answered as follows;-**

**Point No.1 – Whether the petitioner is an aggrieved person and whether domestic violence is proved?**

8. The 1st petitioner has clearly stated that her marriage with the 1st respondent was solemnized on 10.11.2021 at Kayathar. To substantiate the same, she has produced Ex.P2 – Marriage Invitation. The birth certificates of the children marked as Ex.P3 and Ex.P4 establish that the petitioners 2 and 3 were born to the 1st petitioner and the 1st respondent. From the evidence of PW1 and the documentary evidence, it is clear that the 1st petitioner is the legally wedded wife of the 1st respondent and the petitioners 2 and 3 are their children. Hence the domestic relationship between the parties is clearly established.

9. The petitioner has stated that she was subjected to mental cruelty by the respondents for not giving birth to a male child. She has further deposed that the 1st respondent abused her in drunken condition, maintained an illicit relationship with another woman and finally drove her out of the matrimonial home along with the children. Though serious allegations have been made against the respondents, they have not appeared before the Court to deny the same. Despite service of notice, they remained absent and were set ex-parte. Therefore the testimony of PW1 remains unchallenged and unrebutted. The conduct of the respondents in humiliating the petitioner for giving birth to female children and driving her out of the shared household clearly amounts to



emotional and economic abuse as defined under the Protection of Women from Domestic Violence Act.

10. Hence this court finds that the 1st petitioner is an aggrieved woman under the Act and that she has been subjected to domestic violence by the respondents. Accordingly, Point No.1 is answered in favour of the petitioners.

**Point No.2 – Whether the petitioners are entitled to residence and maintenance?**

11. The petitioner has sought a residence order permitting her to reside in the shared household situated at Door No.48-9/13, Chidambaranar Street, Kayathar. It is the settled principle that a wife has the right to reside in the shared household. Since the petitioner has been driven out from the matrimonial home, she is legally entitled to protection and residence under the Act.

12. With regard to maintenance, the petitioner has stated that she has no independent income and she is residing in her parental house along with two minor children. The children are of tender age and they are completely dependent upon their mother.

13. The petitioner has also filed an affidavit of assets and liabilities as directed by the Hon'ble Supreme Court in Rajnesh vs. Neha, stating that she has no independent source of income. The respondents have not come forward to dispute the same. Further, Ex.P5 – Business Registration Certificate shows that the 1st respondent is running a business in the name and style of Sri



Angala Parameshwari Agency. Therefore it can reasonably be inferred that he has a source of income.

14. Considering the needs of the petitioner and the minor children and the earning capacity of the 1st respondent, this Court is of the view that the claim for maintenance is reasonable. Hence the 1st petitioner is entitled to maintenance for herself and for the minor petitioners 2 and 3. Accordingly, Point No.2 is answered in favour of the petitioners.

**Point No.3 – Whether the petitioners are entitled to compensation and litigation expenses?**

15. The petitioner has stated that due to the acts of the respondents she suffered mental cruelty, humiliation and emotional distress. She was also forced to live separately along with two minor children without financial support. Considering the circumstances of the case, this court finds that the petitioner is entitled to reasonable compensation under Section 22 of the Act for the mental agony suffered by her. Similarly, the petitioner has also incurred expenses for pursuing this litigation. Hence she is entitled to litigation costs. Accordingly, Point No.3 is answered in favour of the petitioners.

**Point No.4 – Whether the petitioner is entitled to direction regarding the loan amount?**

16. The petitioner has prayed for a direction to the 1st respondent to pay a sum of Rs.50,000/- towards the loan account bearing No.170011129630 at Canara Bank, Kayathar. However, the petitioner has not clearly explained as to



who availed the said loan, the nature of the liability, and how the petitioner is responsible for the said loan amount. There are no proper pleadings or documentary evidence to establish the liability relating to the said loan. In the absence of proper explanation and supporting evidence, this court is unable to grant the said relief. Accordingly, Point No.4 is answered against the petitioners.

**Point No.5 – To what other reliefs the petitioners are entitled?**

17. In view of the points answered from 1 to 4 as above this court hold that the petitioner is not entitled for any other reliefs.

18. In the result, the petition is partly allowed as follows:

1. The 1st respondent is directed to permit the 1st petitioner and the minor petitioners 2 and 3 to reside in the shared household situated at Door No.48-9/13, Chidambaranar Street, Kayathar, Tuticorin District, or in the alternative to provide suitable accommodation for them.

2. The 1st respondent is directed to pay a sum of Rs.20,000/- per month to the 1st petitioner towards her maintenance. The 1st respondent is further directed to pay a sum of Rs.15,000/- per month each to the petitioners 2 and 3 towards their maintenance. The maintenance amount shall be paid on or before the 5th day of every English calendar month from the date of filing this petition.

3. The respondents are directed to pay a sum of Rs.25,000/- towards litigation expenses to the petitioners.



4. The respondents are directed to pay a sum of Rs.10,00,000/- as compensation to the petitioners under Section 22 of the Protection of Women from Domestic Violence Act.

5. The relief sought regarding payment of Rs.50,000/- towards the loan account in Canara Bank, Kayathar is dismissed.

6. Mark the copy of this order to the jurisdictional Protection Officer in order to effective implementation of this order.

Typed by me in my computer, verified by me to be correct and pronounced in open court on 10<sup>th</sup> day of March, 2026.

Judicial Magistrate,  
Karaikudi.

Petitioner side Witnesses;	
1.PW1	Aishwarya
Petitioner Side Exhibits;	
1.ExP1	Copy of Aadhar Card of the 1st petitioner
2.ExP2	Marriage Invitation dated 10.11.2021
3.ExP3	Birth Certificate of the 2nd petitioner dated 10.10.2022
4.ExP4	Birth Certificate of the 3rd petitioner dated 13.06.2024



5.ExP5	Business Registration Certificate of the 1st respondent in the name and style of Sri Angala Parameshwari Agency.
Respondent side witness – NIL	
Exhibits of the respondent – NIL	

Judicial Magistrate,  
Karaikudi.

Copy To:

- a) Parties to the Application
- b) Protection officer having jurisdiction