

**IN THE COURT OF THE JUDICIAL MAGISTRATE NO.1,
SIVAKASI**

**PRESENT : THIRU.M.SUNIL RAJA, B.A., M.L.,
JUDICIAL MAGISTRATE No.1,**

Dated this on 15th day of May 2026

MP 01/2026

in

DVC No.09/2026

.....

1. Prakalya
2. Minor Aadhik

... Petitioners/Complainant

Vs

Harishankar

... Respondent/1st Respondent

ORDER

This petition is filed under Section 19 of the Protection of Women from Domestic Violence Act, 2005, seeking an interim residence order.

1. Gist of the Petition:

- 1.1. The petitioner, claiming to be an aggrieved person in a domestic relationship with the first respondent, who is her husband, has filed the present petition seeking a residence order and allied reliefs.
- 1.2. It is the case of the petitioner that, subsequent to the marriage, she resided in the shared household and contributed substantial amounts in the form of cash, jewels, and investments. However, she alleges that she was subjected to continuous physical and mental cruelty by the respondents, ultimately leading to her being driven out of the matrimonial home and

deprived of her right of residence. She further contends that her financial contributions and belongings have been retained by the respondents.

- 1.3. On the above averments, the petitioner seeks a residence order permitting her to reside in the shared household at Door No. A-103, AJ Residency, Velayudham Road, Sivakasi Taluk, Virudhunagar District, and also seeks a direction to the respondents to pay monthly maintenance.

2. **Gist of the Counter:**

- 2.1. The respondents have filed a detailed counter affidavit denying all allegations of domestic violence. They contend that the petition is false, vexatious, and filed with an ulterior motive to harass them and extract money.
- 2.2. According to the respondents, the petitioner left the matrimonial home voluntarily without any justifiable cause, and no act of physical or mental cruelty was committed by them. They further submit that the allegations regarding financial contributions, cash, jewels, and investments are exaggerated and unsupported by documentary evidence. It is also contended that the petitioner has suppressed material facts regarding her income, assets, and independent means.
- 2.3. The respondents further state that the said house is not exclusively the matrimonial home of the petitioner and that she cannot claim a right of residence therein as a matter of course. It is also their case that the petitioner is gainfully employed and has sufficient means, and that the present proceedings have been initiated only to pressurize them into making unlawful monetary payments.

- 2.4. Additionally, the respondents submit that the premises in question is a rented accommodation and not a permanent house, and that the rent was being paid by the parents of the first respondent. They further state that the landlord has already been informed to vacate the premises. On these grounds, they seek dismissal of the petition.

3. **Point for Determination:**

Whether the petitioner is entitled to a residence order under Section 19 of the Act?

4. **Discussion and Findings:**

- 4.1. The records have been perused and both parties were heard.
- 4.2. It is an admitted fact that, after the marriage, the petitioner and the first respondent resided together at Door No. A-103, AJ Residency, Velayudham Road, Sivakasi Taluk, Virudhunagar District. Hence, the said premises falls within the definition of a “shared household” under the Act. The said house is within the jurisdiction of the court.
- 4.3. While the respondent contends that the petitioner voluntarily left the matrimonial home, the petitioner asserts that she was compelled to leave due to the conduct of the respondents. During the enquiry, both parties expressed willingness to resume cohabitation, albeit not immediately.
- 4.4. It is also undisputed that the petitioner is presently residing with her infant child at her parental home.
- 4.5. The respondent/husband submitted that the premises in question is a rented accommodation and has to be vacated, and therefore it is not

feasible for the petitioner to reside therein. He offered to pay a sum of ₹10,000/- per month towards rent for alternate accommodation.

- 4.6. The petitioner, however, insisted on residing in the shared household and sought protection from interference by the respondents.
5. It is relevant to note that, in M.P. No. 01 of 2026, this Court had already directed the respondent to pay ₹25,000/- per month as interim maintenance. The respondent has admittedly failed to comply with the said order and has stated that he intends to prefer an appeal and is unable to pay even that amount. Further, the respondent has stated that his monthly income is ₹40,000/- and already claims inability to comply with the maintenance order. Directing payment of rent in addition would place him in an untenable financial position. In such circumstances, the offer of the respondent to pay ₹10,000/- towards rent in lieu of granting a residence order cannot be accepted.
6. The contention of the respondents that the petitioner is capable of maintaining herself and is presently residing with her mother does not disentitle her from seeking a residence order. The petitioner has stated that her father is deceased, that her marriage was conducted using his terminal benefits, and that her mother has no independent source of income and is living under financial hardship.
- 6.1. It is not appropriate to compel a married woman to indefinitely reside in her parental home merely because such accommodation is presently available. The petitioner has approached this Court seeking enforcement of her right to reside in the shared household, along with her child, and has expressed her willingness to return subject to protection.

- 6.2. The respondents have also raised an objection by filing a memo regarding territorial jurisdiction, stating that the petitioner is currently residing outside the jurisdiction of this Court. However, it is undisputed that the parties last resided together within the jurisdiction of this Court. A petition under the Act can be filed where the parties last resided together, and such jurisdiction cannot be ousted merely because the petitioner is presently residing elsewhere. Accordingly, the objection is rejected.
7. Considering the facts and circumstances of the case, this Court is of the view that the petitioner is entitled to reside in the shared household at Door No. A-103, AJ Residency, Velayudham Road, Sivakasi Taluk, Virudhunagar District, along with her infant child. Accordingly, a residence order under Section 19 of the Act is hereby granted, permitting the petitioner to reside in the said premises.
- 7.1. The respondents, their relatives, agents, or any person acting on their behalf are restrained from interfering with or disturbing the peaceful occupation of the petitioner in the said premises.
- 7.2. As this constitutes a protection order, a copy of this order shall be forwarded to the jurisdictional police stations concerned. The Protection Officer is also directed to extend necessary assistance to the petitioner for effective implementation of this order.
8. Accordingly this petition is allowed.

Judicial Magistrate No.1, Sivakasi.

- This order was uploaded on 15.05.2026.