

IN THE COURT OF DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
MADHAVARAM

Present :Tmt.P.Deepa, B.A.,B.L.,L.L.M.,
District Munsif Cum Judicial Magistrate, Madhavaram
Wednesday, the 27th day of May 2026
Crl.M.P.No. 663/2024
in
DVC.No.04/2023

J.Shameena Parveen,
W/o. A.Mohammed Imthiyaz,
No.50B, 2nd Floor, 19th Street,
Kannappasamy Nagar,
Kavangarai, Puzhal,
Chennai-66.

. . .Petitioner

-Vs-

1. A.Mohammed Imthiyas,
Son of M.Abdul Razack,

2. M. Abdul Razack,

3. Mohammed Yusuf,
S/o. Abdul Razack,

4. Mrs. Zubi,
D/o. Abdul Razack,

1 to 4 are residing at Hajara Manzil,
Patterthodi, Payyanakkal,
Panniyankara, Kallai (P.O),
Calicut-03.

. . . Respondents 1 to 4

The petition filed by M/s. Mr. H.Syed Alim, Mr.U.Aslam, Mr.R.Shankar
counsels for the Petitioner and Mr. B.V.Rafi, Mr.P.B.Shyamjith, Mr.D.Arunkumar,
Mr.S.Thirumalai counsels for the Respondents came up before this court. Upon
perusing the entire records, hearing submission of both sides and having stood
over for consideration till this date, this Court passes the following:

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ORDER

The petitioner had filed the present petition U/s. 23 of Protection Women from Domestic Violence Act 2005., praying to direct the 1st respondent to pay interim maintenance of Rs.50,000/- per month to the petitioner and her kid.

THE CASE OF THE PETITIONER IN CRUX AS FOLLOWS:

1.1. The petitioner submit that the 1st respondent is MBA Graduate in Logistics & Supply Chain Management from MIT University, Pune and working as a floor manager cum ware house coordinator at Theyyampattil Furniture Pvt Company and fetching about Rs. 1,00,000/- per month. From the day one of the marriage, the 1st respondent never showed interest upon she and does not cared about her well being. But as a dutiful wife, she cooked food and took care of his daily needs.

1.2. The petitioner submit that she was about to deliver a child and therefore she came to the matrimonial home for baby shower. In the meantime, one Mr. Faizal who is a neighbour and family friend of the respondent family had called her relatives and informed that he is in Homosexual relationship with the 1st respondent for the past ten years and further stated that only because of having such unnatural relationship between them, the 1st respondent and Faizal divorced their early marriage. When her relative does not believe Faizal's words and demanded for any proof, Faizal had sent a private Pictures of the 1st respondent with him along with audios, videos of both of them. This Homosexual relationship of the 1st respondent with Faizal was revealed by Faizal to her family during her pregnancy. Hence her family suppressed these facts to she thinking of her wellness during pregnancy. Thereafter on 21.07.2022, when she was staying at Chennai because of some issues with the 1st respondent, her family revealed that he is involved in homosexual relationship with his neighbour Faizal.

1.3. The petitioner submit that when the petitioner and her family members probed the issue with the 1st respondent and his family members, the 1st respondent never responded to her and instead they yelled and shoed she and her family members stating that it is an old issue and his brother 3rd respondent Yusuf coolly replied that it is a merely a treatment. Hence it is made clear that the homosexual relationship of the respondent with Faizal is very well known to respondent's family and in order to protect the family dignity and reputation, they framed this marriage. The respondent along with his family member had cheated, betrayed and trapped the petitioner and spoiled her life in the name of marriage. The marriage was done in order to hide 1st respondents homosexual relationship with Faizal to safeguard their family reputation.

1.4. The petitioner submit that the 1st respondent remains very much distancing from the petitioner. The 1st respondent used to treat she like outsiders. He never spends money for her and if at all he spends any money, he used to collect bills and make an account and gains publicity form his relatives. Further all the respondents verbally abuses her in front of others, ill treated because of her lower family status. The respondents often used to utter the difference in status between them and even threatens her that 1st respondent will opt for third marriage if the petitioner deny any of his commands. The 4th respondent who is the sister of the 1st respondent Zubi verbally abused her in person and through phone calls frequently regarding some household issue and warned her not to approach his brother for any means of expenses for herself and not to interfere with his personal habits.

1.5. The petitioner submit that the respondent always use to hurt her without any reasons. As the days passed by the 1st respondent never give proper food to her. As this is the second marriage, she adjusted all his cruelty therefore the 1st respondent took advantage over the same. In continuation of his abuse over her, on 28.03.2022, when the 1st respondent took her to visit his sister home at Salem

and was waiting in hall talking with elders, the respondent wantonly took his niece Gulnaz into room and locked the door for about one hour and spent their time in privacy. This activity of the respondent even in front of her and her mother caused stress and mental agony to the petitioner.

1.6. The petitioner submit that her father and mother are aged old and she had a new born baby and we are depending upon them. Neither she nor her mother does have any income and they are finding it extremely difficult to look after their monthly expenses and medical expenses of her kid. On the other hand, the 1st Respondent is fetching good income as a Manager in a Private Limited Company and he is leading a comfortable and luxurious life spending all his income without paying any single pie to the petitioner. It is bounden duty of the 1st respondent to provide maintenance to his wife and children. She was a housewife having one and half year feeding baby hence the kid incurs more medical expenses. She do not have any income to take care or meet my monthly expenses and her kid. As my kid is only one and half year, it incurs very huge expenses for his medical, shelter and other expenses. The 1st Respondent belongs to a rich family and he is having movable and immovable assets hence his entire income is spent by him alone. Hence this Petition.

2. COUNTER AVERMENTS:-

2.1. The respondents submit that the marriage between the petitioner and the respondent was solemnized on 21.03.2021 at Marina Residency Calicut as per Muslim Rites and Customs and this is the second marriage for both of them and it is performed before the elders of the both families and out of wedlock, a boy baby was born aged 1 ½ years only, all these facts are true and correct hence admitted by these respondents.

2.2. The respondents submit that the petitioner proposed the marriage through a relative of the respondents in Coimbatore. This marriage is the second marriage of

the petitioner and the 1st respondent. Petitioner's main allegation for breakdown of her first marriage was homosexuality of her former-husband. As it is the petitioner's second marriage, neither the respondents nor his family would have inquired about her separation petitioner's first marriage and further about the exclusion of the first marriage of the petitioner. As it is the second marriage of both of them, during the marriage with the petitioner, neither the respondent nor the relatives of the 1st respondent have demanded or received any gold ornaments or money from the petitioner or her family. After the marriage, 1st respondent and petitioner lived together with 1st respondent's house. 1st Respondent's mother died on 30-11-2017 so 1st respondent and 2nd respondent, aged father alone is living in their house. The petitioner should not have treated the respondent and his relatives very affectionately. Even though the petitioner not cared the aged father of the respondent but 2nd respondent loved petitioner as his daughter. But petitioner and 1st respondent shall live and with great affection.

2.3. The respondents submit that the he is the only person to look after his father. However, the respondent is paying the expenses of the petitioner and child according to the respondent's ability. The respondent is currently working as a salesman with meager income. Due to the above problems the respondent is not able to go to work properly or pay attention to work or otherwise. The respondent tried several times to contact the petitioner in person and via phone but was unable to do so. The 1st respondent has a strong desire to live happily with his wife. The petitioner loves his wife as much as his life. 1st respondent is ready look after petitioner and child. So, 1st respondent filed OP 1372/2023 before the Hon'ble Family court, Kozhikode for restitution of conjugal right.

2.4. The respondents submit that there is no domestic violence committed by the respondents towards the petitioner, so she is not eligible for getting any maintenance from 1st respondent. 1st respondent paid maintenance to petitioner directly and through google pay. 1st respondent took all the delivery expenses and postpartum expenses incurred by the 1st respondent. Petitioner's father not

returned the security amount advanced to the flat for rent to 1st respondent. 1st respondent is a sales man working in shop and he get meagre amount as salary. 2nd respondent has old age ailments and 1st respondent is the only person to look after him. So 1st respondent could not go regularly for his job. So at any time he will lose his job. Petitioner living separately without any reason and 1st respondent is ready to maintain petition as his ability. Moreover petitioner is working as fashion designer and she is earning more than 25,000 per month. And petitioners qualification is MA Bed. So petitioner is capable of maintaining herself. Hence, the petition.

3. POINT TO BE DETERMINED:-

Whether the petitioner is entitled to any interim compensation U/s. 23 of Domestic Violence Act, and if so ? to what quantum.

4. DISCUSSION:

1. In short, the petitioner had preferred the present petition U/s. 23 of Domestic Violence Act, against the respondents 1 to 4, praying for an order of interim maintenance of Rs.50,000/- towards payment of litigation expenses by her and her kid. The petitioner had submitted that she is unemployed and at present she is living in the parental home, at the mercy of her parents.

2. Per contra, the 1st respondent had objected to the same on the ground that the petitioner is refusing to live with the 1st respondent without any sufficient reasons. Though, several averments and allegations were thrown against each other, the same could be ascertained only after subjecting the said allegations to a through trial. As seen earlier, the petitioner had contended that 1st respondent is living in a palatial bun flow and he is working as floor manager cum ware house coordinator at Theyyampattil Furniture Private Company and earning a sum of Rs. 1,00,000/- (Rupees One Lakh only) per month.

3. However, no iota of evidence was produced to substantiate the same. In a similar manner, the 1st respondent had submitted working in shop and he get

meagre amount as salary and the 1st respondent submitted that the petitioner is working as fashion designer and she is earning more than 25,000/- per month. But documents were produced by the 1st respondent is objected that it is invented by this petition alone. In this stage, the validity of the document proved only after both side let oral and document any evidence and to establish the above fact. Further, the petitioner had also not submitted about the lifestyle that she enjoyed, while her brief stay at the matrimonial home. On considering the above facts, this Court is of the view only a nominal amount could be granted as an interim maintenance to the petitioner and her children herein. A sum of Rs.15000/-, would be a fair and nominal amount to be ordered as an interim maintenance to the petitioner Rs.5000/- and her children Rs.10000/- herein. The 1st respondent is directed to pay the interim maintenance of sum of Rs.15000/-, per month, on or before 5th date of every English Calendar month in the present petition. The 1st respondent is directed to pay the maintenance from the date of filing of this petition.

RESULT:

In the result, the petition is allowed and the 1st respondent is directed to pay the petitioner an interim maintenance of sum of Rs. 15,000/-, per month, on or before 5th date of every English Calendar month without fail. The 1st respondent is directed to pay the maintenance from the date of filing of this petition.

The Order was dictated by me typed directly by Steno typist in computer. Verified and pronounced by me in the Open Court on this the 27th day of May 2026.

**District Munsif cum Judicial Magistrate,
Madhavaram.**

**Cmp.No. 663/2024
in
DVC.No.4/2023**

Dated : 27.05.2026

Result:

In the result, the petition is allowed and the 1st respondent is directed to pay the petitioner an interim maintenance of sum of Rs. 15,000/-, per month, on or before 5th date of every English Calendar month without fail. The 1st respondent is directed to pay the maintenance from the date of filing of this petition.

**District Munsif cum Judicial Magistrate,
Madhavaram.**

