

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

Friday, the 21st day of March 2025

Crl.M.P.No. 747/2024

in

DVC.No.08/2023

B. Swathi,
W/o. Karthik,
Plot.No. 62A, Chandraprablu Colony,
Ponnammedu,
Chennai-110.

...Petitioner/Complainant

Mr.Karthik,
S/o. Venkatraman,
Thiru Vi Ka Nagar, 1st Street,
Cheyyur Salai, Sothupakkam,
Melmaruvathur.

-Vs-

... Respondent/ Petitioner

The petition filed by M/s. Mr. A.Thirumaran counsel for the Petitioner/Respondent and Mr. S. Anand counsel for the Respondent/Petitioner 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:

ORDER

The petitioner had filed the present petition U/s. 23 of Protection Women from Domestic Violence Act 2005., praying for an Order of interim maintenance of sum of Rs.60,000/-, against the respondent herein.

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THE CASE OF THE PETITIONER IN CRUX AS FOLLOWS:

1. The petitioner stated that the her life has been made destitute and her entire life has been lost on account of the domestic violence, cruelty, harassment, humiliation and embarrassment, assault and beatings caused upon me by the respondent herein on account of his illegal and unlawful actions.
2. The petitioner stated that the she had been deserted from the matrimony by the respondent herein after having been subjected to cruelty at the hands of my husband and other members of the matrimonial family and the husband is none other than the respondent herein who after having subjected me to cruelty, harassment, humiliation, tormentation and torture had physically and mentally deserted me and had ensured that she did not live in the matrimonial home. Furthermore, having subjected me to such a grave predicament by which I am facing an uncertain future, the respondent herein has also failed to maintain me at par with his standard of living and has not even spent even a single paisa for me and towards me and thereby has put me to extreme poverty.
3. The petitioner stated that the her parents are doing Ironing Work in a very small level in the locality where they live and now they are forced to toil for herself also on account of the fact that she had been driven out of her matrimonial home by the respondent herein and his family.
4. The petitioner stated that the although her parents are very much poor monetarily, they had ensured that I had a very good education and they had starved and toiled hard and saved each and every paisa of moneys to ensure that I had got a very good education. They had ensured that I had studied up to B.E...
5. The petitioner stated that the on 21.08.2020, after the negotiations between both the families had concluded, the betrothal between her and respondent had

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taken place at my parental house. ³ The petitioner stated that even after the betrothal the respondent did not speak with me and was avoiding me and did not even respond to her messages and even when I could get his line, he would simply say that he was very busy and disconnect the phone. I had informed my parents in this regard and since the alliance was initially approached by the uncle of the respondent, her parents had informed him in this regard and asked the uncle as to why the respondent was avoiding.

6. The petitioner stated that the in such a manner, the date of marriage was fixed at 25.01.2021 and the marriage was conducted at Roma Mahal at Vandavasi Road, Sothupakkam, Kancheepuram District and the marriage was conducted as per Hindu rites and rituals and customs and attended by elders of both families. At the time of marriage my parents had given a dowry of 15 soverigns of gold and 3 soverigns of gold for the respondent herein.)

7. The petitioner stated that in addition to the above, my parents despite their poor status had spent a sum of Rs.3,00,000/- [Rupees Three Lakhs only] towards marriage expenses.

8. The petitioner stated that the respondent herein is working as a Manager with Indian Bank, and is getting a Salary of about Rs.1,50,000/- [Rupees One Lakh and Fifty Thousand only].

9. The petitioner stated that commencing the matrimonial life she came to know that the respondent had relationship with one Rose who was already married and was living in the first floor of the house of the respondent herein and that the relationship was there for 5 years prior to the marriage itself and the factum of such relationship had been suppressed by the family of the respondent herein despite the fact that they knew well about the same. Further, the said Rose had such a great influence in my matrimonial home in that all decisions in the matrimonial home were taken only with the consent and concurrence of the said


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Rose. The said Rose was the most important person to the respondent and more important in that the respondent always stated that whatever she wanted to do she should get the consent and concurrence of the said Rose first and then proceed. Further, the respondent had also informed me that he had married me only after further the relationship between the respondent and the said Rose was also known well to the husband of Rose and the said husband of Rose was having a mechanic shed in the same locality and the said Rose has a girl and boy child.

10. The petitioner stated that the after returning from his work the respondent instead of spending time with me, immediately used to go to the house of the said Rose in the first floor and spend time with her there., and return very much late and during such time the husband of the said Rose will conveniently not be available in the first floor house which is occupied by the said Rose and her Family.)

11. The petitioner stated that upon seeing them together, she had questioned as to why they are behaving so for which the respondent had remarked " அறிவுகெட்டவனே நாயே எங்கள் பர்சனல் விஷயத்தில் தலையிடாதே எங்க பிரைவசியை கெடுக்கிறாயே போடி இங்கிருந்து பிச்சைக்கார நாயே டிஸ்டர்ப் பண்ணாம் CLUIT " and by stating so, the respondent and the said Rose had driven me from the first floor. Furthermore, both the respondent and the said Rose were so intimate that they used to call each other by nicknames. she had complained to her mother in law in this regard and the mother in law had responded and abused me stating that " ஒழுங்கான சீர் வாங்கி வராத நாயே என் மகன் விஷயத்தில் தலையிடாதே அவன் அப்படித்தான் இருப்பான் அவனை கேட்க உனக்கு உரிமையில்லை " and by stating so, the mother in law also sided with the respondent herein.)

12. The petitioner stated that the family of the sister of the respondent had shifted to Kancheepuram. Taking this opportunity, the said Rose had instructed

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that herself and the mother of the respondent went to Kancheepuram to the house of the sister of the respondent and then the respondent and the said Rose stayed in the matrimonial residence. Even at Kancheepuram, her mother in law had ill-treated me in a most worst manner and abused and tormented me and tortured me like a slave.

13. The petitioner stated that the respondent went one step ahead and said to me that "என் கண் முன்பு நீ வரவே கூடாது நான் இருக்கும் போது என் அறைக்கு நீ வரவே கூடாது" and by stating so, the respondent had also prevented me from moving inside the matrimonial home freely. Further, the respondent never allowed me not even to touch any material of the respondent including the shirt, pants, phone and further the respondent and his mother even prevented me from even lighting the lamp for the God and instead even on occasions when she had lighted the lamp, they used to extinguish the lamp and then call the said Rose to light the lamp. Further on those occasions, her mother in law used to state to the said Rose that "நீ ராசியானவ உன் கையால் ஏத்து அவ கிடக்குரா பிச்சைக்காரி" and all these words were uttered by her mother in law with a specific intention of humiliating me and causing me mental agony.

14. The petitioner stated that the taking into account of the fact that she was helpless and her parents were lay persons without education or knowledge and were in the poverty line, the daily insults aggravated on a daily basis. Her days were filled with misery, agony, etc and she had forgotten about happiness on account of the actions of the respondent and his mother and the said Rose and was leading my life as a Corpse [dead body]. Upon knowing my predicament, my family also suffered and all of us had lost our peace of mind.

15. The petitioner stated that she had lost all options and hopes of living with the respondent. Despite all the overtures made by my family to seek reunion, the respondent is refusing to return back to matrimony on account of his affinity

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towards the said Rose. In such circumstances, I had preferred complaints to the statutory authorities including the protection officer on 23.01.2023. I had also preferred complaint to the Police authority on 06.12.2022 and only upon the intervention of the Police, the respondent allowed me to take back my belongings. Thereafter, the Police authorities had advised me to prefer a complaint to the Protection Officer and then only I preferred complaints to the protection officer. The respondent herein exercised his influence with the protection. 15.05.2023 and 24.05.2023 and only thereafter the protection officer filed the Domestic Incidence Report before this Court.

16. The petitioner stated that she was living in poverty depending upon her parents with whatever paltry sum she earn and the respondent herein is living in luxury in a palatial bunglow., and is earning about Rs.1,50,000/- [Rupees One Lakh and Fifty Thousand only) per month, whereas she was working temporarily in a private company earning a paltry sum of Rs. 12,000/- per month. On account of my starvation at the matrimonial home my physical condition has deteriorated and further she had become mentally depressed and she had been advised to take nutritious food and vitamin supplements. Hence this Petition.

2. COUNTER AVERMENTS:-

2.1. The respondent stated that the continued cohabitation with the Petitioner would only cause further harassment and mental torture to him. The Petitioner conduct has also caused serious damage to my mental, physical, and psychological health. He had now only understood that the petitioner is not going to live him, as a life partner for ever as she is not interested in the marital relationship, which may be due to her the psychological mind set. This can only be assessed if the petitioner is taken to medical checkup. Even I asked her to meet a family counselor but the petitioner was not at all heeding to my words. The parents of the petitioner is also safeguarding her daughter and was not willing to send the petitioner to the matrimonial home. This clearly confirms the

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psychological inability of the petitioner and this is only harmful and dangerous to him. ⁷

2.2. The respondent stated that the earning a salary of Rs 1,16,000/- only and deductions of Rs 1,10,000- only. With the meager balance of Rs.6,000/- only he was running his day to day life. Knowing this fact, the petitioner has done all acts of cruelty, abandoned and deserted me and has created a big fight and left the matrimonial home on 08/10/2022. she is earning Rs 20000/- per month. and stays in her parents' house. She do not have any commitments nor any loans to be repaid. She wants to live a carefree life and abusing the process of law by filing this petition.

2.3. The respondent stated that the all the other allegations are baseless, frivolous and de-void of merits and the petitioner has been put to strict proof of the same. This respondent reserves his right to file additional counter if required and will prove that this case has foisted against me without any merits and will prove the actual during the trial of this case with evidences.

2.4. The respondent stated that the he had to take care of his ailing mother, with the huge debts to be repaid, he can afford to pay only Rs 3,000/- per month. The petitioner is also gainfully employed, she is an engineer by qualification and profession and earns more than Rs 20,000/- per month and living in her parents' home. Their parents are living alone and it has become easy for her to live with them and support them and lead a carefree life. Moreover she has claimed exorbitantantly and has not submitted any proof to substantiate her claim, Due to this her claim of rental advance, Legal fees and interim maintenance has to be summarily rejected.

2.5. The respondent stated that the he had not done any acts of Domestic Violence instead the petitioner only has done all sorts of cruel things in her married life. She and he parents are interested only to milch money from me even though knowing that I don't have any savings. To substantiate my statements. He

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had enclosed his bank statement, Assets and Liabilities Affidavit and my IT returns for three years which very clearly proves that he had huge debts and EMI's to be repaid. Hence, the petition filed by the petitioner is liable to be dismissed with exemplary cost.

3. POINT TO BE DETERMINED:-

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

DISCUSSION:

1. In short, the petitioner had preferred the present petition U/s. 23 of Domestic Violence Act, against the respondent, praying for an interim maintenance of sum of Rs.60,000/-, towards the day-to-day expenses incurred by her. The petitioner had submitted that she is worked temporarily in a private company earning a paltry sum of Rs.12,000/- per month, and at present she is living in the matrimonial home her physical condition, at the mercy of her parents.
2. Per contra, the respondent had objected to the same on the ground that the petitioner is refusing to live with the 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 respondent is living in a palatial bun flow and he is working in Indian Bank Manager and earning a sum of Rs. 1.50,000/- (Rupees One Lakh and Fifty Thousand only) per month.
3. However, no iota of evidence was produced to substantiate the same. In a similar manner, the respondent had submitted working as a Service Company and earning only a sum of Rs.10,000/-. But no documents were produced by the respondent to establish the above fact. Further, the petitioner had also not

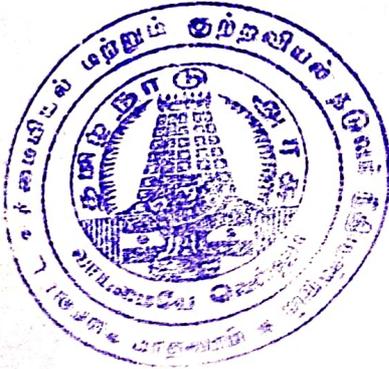
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submitted about the lifestyle that she⁹ enjoyed. while her brief stay at th
matrimonial home. On considering the above facts, this Court is of the view only
a nominal amount could be granted as an interim maintenance to the
petitioner herein. A sum of Rs.7.500/-, would be a fair and nominal amount to be
ordered as an interim maintenance to the petitioner herein. The respondent is
directed to pay the interim maintenance of sum of Rs.7.500/-, on or before 5th
date of every English Calendar month.

RESULT:

In the result, the petition is allowed and the respondent is directed to pay the
petitioner an interim maintenance of sum of Rs. 7,500/-, per month, on or before
5th date of every English Calendar month without fail.

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 21th day of March
2025.



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District Munsif cum Judicial Magistrate,
Madhavaram.