

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

Thursday, the 25th day of June 2026

M.P.No.1/2026

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. G.Mohammed Aseef, Mr.S.Kalaimani, Mr.J.Ravi Prakash 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 a sum of Rs.40,000/- towards Educational Expenses, Medical Expenses, Food, Clothing, Shelter Expenses to her minor kid.

THE CASE OF THE PETITIONER IN CRUX AS FOLLOWS:

1.1. The petitioner submit that the Marriage between the Petitioner her and the 1st respondent was solemnized 21.03.2021 at Marina Residency, Calicut as per Muslim Rites and Customs. This is the second marriage for both of them and it is performed before the elders of the both families. Out of the wedlock, a male child named Mohammed Ali Sihab was born and he is aged years. Further her kid is studying U.K.G at Justin Nursery & Primary School and it incurs monthly fees of Rs. 19,750/ which includes monthly fees, Book fees, Uniform & T-Shirt for the Academic year 2026-2027. The petitioner submit that her father and mother are aged old and the petitioner having a male child and the petitioner depending upon them. Neither the petitioner 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 singe pie to her. It is bounden duty of the 1st respondent to provide maintenance to his wife and children. The petitioner is housewife and the petitioner do not have any independent income. Hence the kid incurs more medical expenses. The petitioner do not have any income to take care or meet her monthly expenses and her kid. As her kid is growing, it incurs very huge expenses for his medical, shelter and other expenses.

1.2. 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 manage, the 1st respondent never showed interest upon me and does not cared about her well being. But as a dutiful wife, the petitioner cooked food and took care of his daily needs. The educational expenses of the child, including tuition fees, books, transportation, uniforms, examination fees and other related expenses, amount to approximately Rs. 40,000/- for academic year. The petitioner submit that the continued education of the child is being adversely affected due to non-payment of school/college fees. Copies of fee receipts and demand notice are produced herewith. Hence, this present petition.

2. COUNTER AVERMENTS:-

2.1. The respondents submit that the interim maintenance already ordered by this Hon'ble Court has taken into consideration the welfare of the child and the fundamental necessities of life. The Petitioner herein, with an ulterior motive and mala fide intention, has filed the present Petition only to harass the 1st Respondent and his family.

2.2. The respondents submit that the Petitioner has alleged that the 1st Respondent earns Rs.1,00,000/- per month and is leading a comfortable and luxurious life by spending all his income. The said allegations are wholly false, and the Petitioner has not produced any proof whatsoever regarding the alleged income of the 1st Respondent.

2.3. The respondents submit that he has filed a Salary Certificate showing that he is working as a Sales Executive at Theyyampattil Furniture, Calicut, and the same was received as an additional document in M.P. No.2090 of 2024, which was allowed on 28.10.2025. This Hon'ble Court has found that the salary/income

of the 1st Respondent is Rs.22,000/- per month. The 1st Respondent has also been sending maintenance amounts to the Petitioner and her father through GPay and has filed proof of the same before this Hon'ble Court.

2.4. The respondents submit that the present Petition seeking the relief prayed is not maintainable. The medical expenses, food, clothing, and shelter expenses have already been taken into consideration and relief has been granted by this Hon'ble Court while passing the order for interim maintenance in Crl.M.P. No.663 of 2024 dated 27.05.2026 on the file of this Hon'ble Court. The Petitioner has filed the present Interim Petition only to prolong and delay the proceedings before this Hon'ble Court. The reasons stated in the Petition do not constitute valid grounds for seeking further maintenance. At this stage, the filing of the present Interim Petition will only cause unnecessary delay in the disposal of the main Domestic Violence Case. Hence, this petition.

3. POINT TO BE DETERMINED:-

Whether the petitioner is entitled to educational expenses 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 1st respondent, praying for an order of 1st respondent to pay a sum of Rs.40,000/- towards Educational Expenses, Medical Expenses, Food, Clothing, Shelter Expenses to her minor kid. The educational expenses of the child, including tuition fees, books, transportation, uniforms, examination fees and other related expenses, amount to approximately Rs. 40,000/- for academic year continued education of the child is being adversely affected due to non-payment of school/college fees.

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. The respondent refused the same and he stated he earned only Rs.22,000/- per monthly.

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 submitted that the educational expenses of the child, and other including tuition fees, books, transportation, uniforms, examination fees and other related expenses, amount to approximately Rs. 40,000/- per academic year. It was also submitted that the child education is being adversely affected due to non-payment of school/college fees. In support of her claim, the petitioner has produced copy of fee receipt for Rs.19750/-. On considering the above facts, this Court is of the view that the petitioner is entitled to educational expenses for the welfare and continued education of the child. Accordingly, the 1st respondent is directed to pay a sum of Rs. 25,000/- towards the school fees and educational expenses for her child. The 1st respondent shall pay the amount within one month from the date of this order.

RESULT:

In the result, the petition is allowed and the 1st respondent is directed to pay a sum of Rs.25,000/- towards the School fees and educational expenses for her child. The 1st respondent shall pay the amount within one month from the date of this order.

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 25th day of June 2026.

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

