

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE - I
PERINTHALMANNA**

Present: Smt. Asha K.N., Judicial First Class Magistrate – I

Dated this the 21st day of February, 2026.

(The 02nd of Phalguna, 1947 of Saka Era)

M.C. No. 24/2023

1. Padmaja S., Age – 45, D/o. Sivadasa Menon, Jalapadmam House, House No. 50, Puzhakkattiri Post, Angadippuram via, Perinthalmanna Taluk, Malappuram. 2. Amaynath.P, Age-15, S/o. Gopinathan P., Jalapadmam House,, House No. 50, Puzhakkattiri Post, Angadippuram via, Perinthalmanna Taluk, Malappuram. Rep. By petitioner No.1 (By Adv. M G Reshu)	: Petitioners
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1. Gopinathan P., Age-55, S/o. Narayanan Nair, Pallipurath House, Thanur, Tirur, Panangattur Post, Malappuram. 2. Sarojini, Age-62, D/o. Narayanan Nair, Chaithanya House, Vadakkancheri, Parlikkad PO, Thrissur. 3. Komalam, D/o. Narayanan Nair, Sreedurga House, Manjeri, Narukara PO, Malappuram.	: Respondents
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ORDER

Petition filed under section 12 of Protection of Women From Domestic Violence Act.

2. **The petition averments in brief are as follows:-** The marriage in between first petitioner and first respondent was solemnised on 12.02.2003 as per Hindu religious rites and ceremonies. In their wedlock, second petitioner was begotten. Respondent no. 2 and respondent no. 3 are the elder sisters of first respondents. At the time of marriage, the petitioner was gifted with 40 sovereigns of gold ornaments by her family. After marriage, first petitioner and first respondent were resided together as husband and wife in the house of respondents. First petitioner is a B com graduate. At the time of marriage, the first respondent and his family members made petitioner to believe that, the first respondent is graduate and working as a market manager in a prominent company in Kochi with a high standard and high salary. But later, first petitioner come to know that the first respondent has only SSLC educational qualification and he was working as a field worker in a private institution and he was financially poor. After just 3 months of their marriage, the respondents started to mentally harass first petitioner by saying various insulting words about herself and family members. First respondent was a person, who was addicted to alcohol and he was seen drunk whenever he came home from Kochi after work on weekends. Even for trivial matters, first respondent started fighting with first petitioner in a drunken state and physically assaulted her. The first respondent made it a habit to say that first petitioner brought only few ornaments and he had not received anything as dowry. The second and third respondents are also started accusing the first petitioner. They used to mock her, saying that it was not a relationship worthy of their family's wealth and standards. The second and third respondents, due to their excessive closeness and love with the first respondent, used to come to the shared household regularly on holidays. They used to harass first petitioner, saying bad words about herself and parents. The second and third respondents used to mentally harass first petitioner, saying that the marital relationship between first petitioner and first respondent was not suitable for them and both of them have to separate.

2. The respondents constantly tortured 1st petitioner in a cruel and humiliating manner by demanding more dowry. Due to the continuous demands, father of first petitioner gave a gold chain of two sovereigns, another gold chain of 1 1/2 sovereigns to the first respondent. Then the first petitioner got a job as a clerk typist in the Labour department. First petitioner's entire monthly salary has been taken by the first respondent. Only an nominal amount of money for bus travel was being given to her. The first petitioner went to work from her paternal home and then rented houses in several places of work. The first respondent Showed interest in living with her only on the salary date and had been collecting the salary from her. The first petitioner was not given proper care and affection during her first pregnancy. The behaviour of first respondent caused her a lot of mental and physical discomfort. A baby girl was born in September 2004 to the first petitioner. But, the daughter was born with mental retardation. The first respondent led a life of complete neglect and the daughter died in May 2006.

3. The first petitioner became pregnant again and gave birth to the second petitioner on 18.08.2007. Due to the continuous demand by the respondent no. 1, 1st petitioner brought ₹ 2,00,000/- from her sister Jalaja in January 2008 and handed over to the respondent no.1. The first petitioner has been transferred to Kasargod, Palakkad, Tirunidavuram again to Palakkad and then to Kozhikode several times. Due to the transfer, petitioners had to stay in rented houses near the offices in these places. During that time the first respondent deliberately stayed away from her. The first respondent has misappropriated her salary amounting to ₹ 47,58,509/-. The first respondent taken 37 sovereigns of her gold ornaments in March 2012 for the purpose of his business and also 1st petitioner secured amount from her relatives and friends in several times and handed over total amount of ₹ 26,22,000/- to the 1st respondent. Moreover, the seven sovereigns of gold ornaments of children were also misappropriated by the first respondent.

4. Due to the difference of opinion in between first petitioner and first respondent regarding purchase of 6 cents of property in Kozhikode, the first respondent started to harass her in a more severe manner. All respondents together

demanded the first petitioner to put an end to their relationship and harassed her mentally. On 30.11.2021, the first respondent deserted the petitioners and made their life more miserable. He never provided any maintenance to the petitioners. He is financially sound and leading a luxurious life. He has financially exploited first petitioner during their joint life. Thereafter, 1st respondent has filed OP 823/2022 before Family court, Tirur seeking divorce. The second petitioner is studying in the 9th standard in Veda Vysya Vidyalayam English Medium School at Malaparambu. The first respondent has every financial capacity to provide a monthly maintenance of ₹ 25,000/- to the second petitioner. All the respondents are to be restrained from committing any kind of domestic violence against the petitioners. The first respondent shall be directed to return back petition A schedule gold ornaments to the 1st petitioner. He is also to be directed to pay back ₹ 71,80,509/- along with the interest. All respondents are to be directed to pay ₹ 25,00,000/- as compensation to the first petitioner for the domestic violence committed by them. As a security towards the payment of the amount and the gold ornaments, 1st respondent shall be restrained from alienating or otherwise disposing of the property in Re survey No. 312/4, 312/3, 312/2 and 312/2. Hence the petition.

5. All respondents appeared through counsel and filed objection jointly. The domestic relationship of petitioners and respondents are admitted. The paternity of second petitioner is also an admitted fact. According to them, they never committed any kind of domestic violence as alleged in the petition. At the time of marriage, first respondent was working in a private company as marketing manager. The first petitioner and first respondent belonged to average family. The respondents never demanded any dowry as alleged in the petition. In fact, the first petitioner was not ready to lead a peaceful matrimonial life with the first respondent. The first respondent never misappropriated any ornaments of the first petitioner or the children. He never grabbed any salary of first petitioner or any other amount from her during their joint living. In fact, first respondent maintained the petitioners in accordance with his earnings though the first petitioner was employed. The first petitioner has voluntarily gone to her own house saying that she has a government job and income. During the

first pregnancy of first petitioner, the doctor had advised the first petitioner that the child was not mentally developed and it is better to have an abortion. But, the first petitioner did not comply the directions and the girl child who was born in September 2004, was born mentally retarded and died in May 2006. In fact, due to the conduct of the first petitioner and her non-cooperation to proceed with the marital relationship, the life of the first respondent has been ruined and he has been mentally broken.

6. It is true that, the 1st respondent had difference of opinion with the first petitioner in purchasing the property. Even then the petitioner has purchased the property without his knowledge. Further, the first respondent used to pay the rent for the rented houses and he had spent ₹ 1,88,100/- to purchase furniture and household items for the rented houses. The first petitioner has personality disorder and behavioral issues by birth. Because of the continuous cruelty by the petitioner, the first respondent had to file OP 823/2022 before the Family Court seeking dissolution of marriage. After getting notice in the said petition, the 1st petitioner has filed several false petitions against the respondents. In fact, the first respondent is entitled to return back the gold ornaments and ₹ 15,00,000/- which were given to the first petitioner and also the value of furniture. The first petitioner is employed and having monthly income of more than ₹ 1,00,000/-. The first respondent is not financially well and is not able to provide monthly maintenance of ₹ 25,000/- to the second petitioner. However, he is ready to provide maintenance to the child in accordance with his capacity. The petitioners are not entitled to get any of the reliefs as claimed in the petition. Hence, the petition is to be dismissed with the cost of the respondents.

7. From the side of petitioners, 1st petitioner was examined as PW1 and Exhibits P1 to P9 were marked. From the side of respondents, the 1st respondent was examined as DW1. No documents seen marked from their side.

8. Heard both sides.

The following points arise for consideration:-

1. Whether the petitioners were subjected to domestic violence by the respondents?
2. Whether the petitioners are entitled to protection order as prayed for?

3. Whether the 2nd petitioner is entitled to obtain Rs. 25,000/- per month as maintenance from the 1st respondent as claimed for?
4. Whether the petitioners are entitled to get compensation to the tune of Rs.25,00,000/- from the respondents as claimed for?
5. Relief and costs?

9. **Point Nos.1 to 4:-** In order to prove the case of the petitioner, petitioner filed proof affidavit and got herself examined as PW1. She deposed that her marriage with 1st respondent was solemnized on 12.02.2003 as per Hindu Religious rites and ceremonies and 2nd petitioner was begotten in their wedlock. The 1st respondent was examined as DW1. The domestic relationship between the parties and paternity of the child are not disputed from the side of respondents also.

10. PW1 deposed that she was gifted with 45 sovereigns of gold ornaments at the time of marriage and she went to the shared household wearing those ornaments. She deposed that, out of those ornaments 37 sovereigns of gold ornaments were given to 1st respondent in March, 2012 for the purpose of pledging in connection with business of 1st respondent. Thereafter, the ornaments were not returned back. She also deposed that she had given total amount of Rs. 47,58,509/- to the respondent out of her salary and also given Rs.26,22,000/- as secured otherwise during their joint living. She also deposed that, 7 sovereigns of gold ornaments of their children were also misappropriated by DW1. DW1 denied of having misappropriated any gold ornaments or received any amount from the PW1. According to him, the petitioners were maintained by himself though the PW1 was employed, he had spent amount for their daily expenses.

11. From the side of petitioners a memo seen filed dated 22.06.2024, stating that since the petitioners have filed OP 218/2023 before Family Court, Tirur, the relief No. 5,6 and 8 are not claimed before this court and are not pressed. Thus, the petitioners not pressed the relief of return of gold ornaments and amount allegedly misappropriated by DW1 and also the relief of restriction on alienation of assets of DW1. So, the evidence with respect to the remaining reliefs sought by the petitioner is only to be discussed herein.

12. PW1 deposed that soon after her marriage, all respondents started to harass her mentally stating various reasons. The 1st respondent was a drunkard and used to torture to her physically in intoxicating manner. The respondents demanded more dowry and harassed her stating that she brought only less ornaments than they expected. Due to the continuous demand by the respondents, her father gave two gold chain having 2 sovereigns and 1 ½ sovereigns to DW1 which were later sold out by the 1st respondent. When PW1 obtained a government job, the DW1 insisted her to hand over the monthly salary and demanded her to abort pregnancy while she was conceiving elder daughter. Due to the continuous demand by the DW1, she some how obtained money from her family members and handed over to DW1. Since 30.11.2021 onward, the DW1 deserted petitioners and never provided any maintenance. He has filed OP 823/2022 before Family Court, Tirur, seeking divorce. The 2nd petitioner is studying 9th standard in Kozhikkode Malaparamba Veda Vyasa Vidyalayam. The DW1 used to harass her at the work place and rented premises. The 2nd and 3rd respondents have provided all assistance to the DW1 in harassing petitioners.

13. DW1 denied or having committed any kind of domestic violence as alleged by the petitioner. According to him the petitioner left shared household on her own and she was not ready to proceed with their relationship. In fact, this petition has been filed as a counter blast to the OP 823/2022 filed by the respondent seeking divorce. However, the PW1 deposed in detail that, she was subjected to continuous harassment by DW1 and at last he deserted them. All these testimony left unchallenged during cross examination of PW1.

14. During cross-examination, DW1 admitted that he never provided any maintenance to the petitioners since 30.11.2021. As per the evidence of PW1 she was forced to live separately from the respondent due to the continuous harassment committed by him. She deposed that the respondent used to physically assault her consuming alcohol and never provided any care and caution as a husband. She deposed that the respondents had continuously harassed her demanding more dowry and at last deserted her. DW1 admitted that he is not fully aware about the where about petitioners and he could not depose the details of study of 2nd petitioner who is

his only son. Even though he deposed that he had sent money to the 2nd petitioner there is no evidence regarding such payments. He also admitted his duty to provide maintenance to the 2nd petitioner. So, the failure to provide maintenance to the petitioners shall amount to 'economic abuse' which is a component of domestic violence and 1st respondent is liable to have committed domestic violence against the petitioners.

15. Considering the evidence of PW1, the allegations against the 2nd and 3rd respondent appears to be not specific. The 2nd and 3rd respondents are the sisters in law of PW1. During cross-examination, PW1 deposed that she does not claim any other reliefs in her petition except the claim for maintenance for the 2nd petitioner. She has abandoned the remaining reliefs. The admission of PW1 along with absence of specific pleading of commission of domestic violence against the respondent no.2 and 3, made the petitioners' case of commission of domestic violence by the 2nd and 3rd respondents not proved. Hence, the petitioners established the commission of domestic violence by respondent no.1 alone and they are entitled to get reliefs from respondent no.1 under PWDV Act.

16. The petitioners claimed Rs. 25,000/- as monthly maintenance for the 2nd petitioner. Petitioners alleged that, the second petitioner is studying in 9th standard in an private English Medium School. PW1 deposed that the second petitioner is now studying plus one and he is also attending entrance coaching. She deposed that she had a housing loan and monthly EMI is ₹ 42,000/-. In total, she had to remit an amount of ₹ 52,000/- towards loan and other installment payments. Exhibit P9 is the pay slip of PW1, which would show that a net salary of ₹ 53,955/- per month She also produced Exhibit P2 to Exhibit P4, which would show that PW1 has Housing Housing loan from Canara Bank and personal loans Kozhikode State Government Employees' Co-operative Society and Kozhikode District State Government Employees' Co-operative Society. P5 to P8 are the receipts issued for remitting the tuition and the school fee for second petitioner. According to the petitioners, the respondent no. 1 is a businessman and having high standard of living. He has two luxury cars and landed properties. He has every capacity to provide an amount of ₹ 25,000/- as monthly maintenance for the second petitioner

17. Admittedly, the 1st petitioner is working as Senior Superintendent in Labour department, Kozhikode and she has deposed during cross-examination that, she is having a monthly salary of Rs. 54,000/-. Therefore, she had the capacity to provide maintenance to the 2nd petitioner along with the 1st respondent. So, a proportionate amount of maintenance shall be directed to be given by the 1st respondent. 1st respondent admitted that he is a business man and possession two vehicle including 2019 model Volvo Car. In the affidavit of DW1 filed disclosing his assets and liability, he has stated that he requires Rs. 30,000/- per month for meeting his expenses. Considering the standard of living of both parties as revealed from their evidence, I am of the opinion a direction to provide monthly maintenance of Rs.15,000/- to the 2nd petitioner would meet the ends of justice. Hence, points are answered accordingly.

18. Point No.5:-

Because of the desertion committed by the respondent no.1, petitioners have to approach this court with this petition. Hence, he shall be liable to provide cost of these proceedings to the petitioners.

In the result, the petition is allowed in part against respondent no.1 as follows:-

1. Respondent no.1 is directed to provide monthly maintenance of Rs.15,000/- to the 2nd petitioner from the date of filing of this petition. The first petitioner is authorized to receive and realize the amount of maintenance ordered in favor of minor child.
2. He is also liable to pay Rs. 3000/- as cost of this proceedings to the petitioners.

(Dictated to the Confidential Assistant typed by her, corrected and pronounced by me in open court on this the 21st day of February, 2026)

Judicial First Class Magistrate-I
Perinthalmanna

APPENDIX

Witnesses examined on the side of the Petitioner:

PW1	Padmaja
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Exhibits filed for petitioner:-

Ext.P1/PW1	Marriage Certificate dated 12.02.2003
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Ext.P2/PW1	Certificate dated 26.12.24
Ext.P3/PW1	Certificate dated 24.12.24
Ext.P4/PW1	Certificate from Bank dated 20.12.24
Ext.P5/PW1	Fee Receipt dated 14.07.24
Ext.P5(a)	Fee Receipt dated 18.07.24
Ext.P5(b)	Fee Receipt dated 18.07.24
Ext.P5(c)	Fee Receipt dated 18.07.24
Ext.P5(d)	Fee Receipt dated 18.07.24
Ext.P5(e)	Fee Receipt dated 18.07.24
Ext.P6/PW1	Fee Receipt dated 16.09.22
Ext.P6 (a)	Fee Receipt dated 27.09.22
Ext.P6(b)	Fee Receipt dated 25.01.23
Ext.P6(c)	Fee Receipt dated 18.09.23
Ext.P6(d)	Fee Receipt dated 26.09.23
Ext.P6(e)	Fee Receipt dated 21.12.23
Ext.P6(f)	Fee Receipt dated 25.05.24
Ext.P6(g)	Fee Receipt dated 25.10.24
Ext.P7/PW1	Receipt dated 06.06.2024
Ext.P7(a)	Receipt dated 06.06.2024
Ext.P8/PW1	Certificated dated 20.12.24
Ext.P8(a)	Certificated dated 20.12.24
Ext.P9/PW1	Salary Slip of PW1

Witnesses examined for Respondent:

1	DW1	Gopinathan.P
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Exhibits filed for Respondent: Nil.

Judicial First Class Magistrate-I
Perinthalmanna