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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On	:	04.06.2026
Pronounced On	:	28.07.2026

CORAM

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

**C.M.A.(MD).Nos.1160 of 2023 & 8 of 2024
and
C.M.P.(MD)Nos.15500 of 2023, 9099, 19442 and 19444 of 2025 &
4486 of 2026**

C.M.A.(MD).No.1160 of 2023:

Ramya Vaithiyanathan

... Appellant / Respondent

Vs.

Rajesh Kumar

... Respondent / Petitioner

PRAYER:- Civil Miscellaneous Appeal is filed under Section 19 of the Family Court Act, to call for the fair and decreetal order passed by the Family Court, Thanjavur, in H.M.O.P.No.67 of 2020 dated 08.09.2023 and set aside the same by allowing this Civil Miscellaneous Appeal.

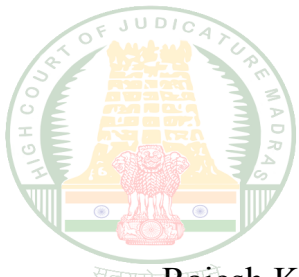
For Appellant : Mr.J.Barathan

For Respondent : Mr.R.Ponkarthikeyan

C.M.A.(MD).No.8 of 2024:

Ramya Vaithiyanathan

... Appellant / Petitioner



Vs.

Rajesh Kumar

... Respondent / Respondent

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PRAYER:- Civil Miscellaneous Appeal is filed under Section 19 of the Family Court Act, to call for the fair and decretal order passed by the Family Court, Thanjavur, in H.M.O.P.No.102 of 2022 dated 08.09.2023 and set aside the same by allowing this Miscellaneous Appeal.

For Appellant : Mr.J.Barathan

For Respondent : Mr.R.Ponkarthikeyan

COMMON JUDGMENT

(Judgment of the Court was delivered by **K.K.RAMAKRISHNAN.J.**)

The respondent in H.M.O.P.No.67 of 2020 on the file of the Family Court, Thanjavur, is the wife, and she is the petitioner in H.M.O.P. No.102 of 2022 on the file of the same Court. The said H.M.O.P.No.102 of 2022 was filed by the wife seeking restitution of conjugal rights. On the other hand, the husband, who is the respondent herein, instituted H.M.O.P.No.67 of 2020 seeking dissolution of marriage by a decree of divorce. The learned Family Judge conducted separate trials in both proceedings and, by a common judgment dated 08.09.2023, decreed the divorce petition in H.M.O.P.No.67 of 2020 and dismissed the petition for restitution of conjugal rights in H.M.O.P.No.102 of 2022. Aggrieved by the said judgment and decrees, the wife has preferred the present appeals, namely C.M.A.(MD).No.1160 of 2023



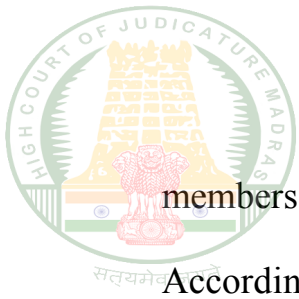
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challenging the decree of divorce passed in H.M.O.P.No.67 of 2020 and C.M.A.(MD).No.8 of 2024 challenging the dismissal of her petition for restitution of conjugal rights in H.M.O.P.No.102 of 2022.

2. For the sake of convenience, the parties are referred to as "the husband" and "the wife" in this judgment.

3. The case of the husband, as set out in H.M.O.P. No.67 of 2020, is as follows:

3.1. According to the husband, the marriage between the parties was solemnized on 29.06.2015 at Thanjavur in accordance with Hindu rites and customs. The husband had completed his B.E. degree and thereafter did M.Sc. in Management in the United Kingdom. In their wedlock, a female child was born on 12.12.2016. It is the specific case of the husband that the wife and her family members had suppressed her actual date of birth and furnished an incorrect date of birth in the horoscope during the time of marriage negotiations. According to him, such suppression was deliberate and amounted to misrepresentation. The husband further alleged that the father of his wife was employed as a Personal Security Officer (PSO) attached to former Chief Minister and that, taking advantage of such position, the wife and her family members repeatedly lodged false complaints against him and his family



members without any basis, particularly alleging dowry harassment and cruelty.

According to him, such conduct caused severe mental cruelty. The husband also stated that disputes arose between the spouses regarding educating their daughter. The wife allegedly insisted upon securing admission for the child in an IVSC Board school, whereas the husband opposed the proposal on account of his financial constraints. It is further alleged that the wife was addicted to using the mobile phone, often left the matrimonial home with the child without informing or obtaining the consent of the husband, neglected household responsibilities, and failed to bring up the child properly.

3.2. According to the husband, during the COVID-19 lockdown, both parties were staying at their native village. While so, on 29.03.2020, the wife allegedly made a call to the police emergency number "100", pursuant to which police personnel visited the residence and conducted an enquiry regarding allegations of cruelty against the husband and his family members. The husband contended that the wife again made similar complaints, including another call to the emergency helpline on 08.04.2020. The husband further alleged that the wife habitually abused and insulted him and his family members and also threatened him by stating that her father was working as a PSO attached to the Chief Minister's Office and that she could wield his influence against him. According to the husband, these acts caused him



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considerable mental agony and amounted to matrimonial cruelty. Ultimately, the wife left the matrimonial home and started residing with her parents. In the above circumstances, the husband instituted H.M.O.P. No.67 of 2020 seeking dissolution of marriage under Section 13(1)(i-a) of the Hindu Marriage Act, 1955, on the ground of cruelty.

4. The counter of the wife, as set out in H.M.O.P. No.67 of 2020, is as follows:

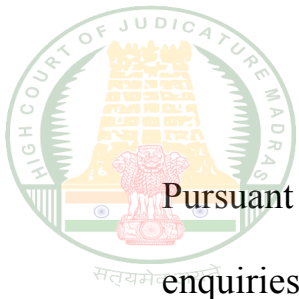
4.1. The wife filed a detailed counter statement in H.M.O.P. No.67 of 2020 denying all the allegations made by the husband. She specifically denied the allegation that her family members had furnished a horoscope containing an incorrect date of birth or that there had been suppression of material facts at the time of marriage negotiations. Apart from denying the averments contained in the divorce petition, the wife made several allegations against the husband and his family members. According to her, soon after the marriage, she was subjected to physical and mental cruelty at the hands of the husband and his family members. It was alleged that she was not even provided proper food, her mobile phone was forcibly taken away, and she was prevented from having contact with her parents and relatives. According to her, she was not permitted to meet her parents freely and was subjected to unnecessary restrictions.



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4.2. The wife further alleged that the husband and his family members demanded additional dowry. According to her, at the time of marriage, they demanded and received 15 sovereigns of gold jewellery, a Duster car worth approximately Rs.20 lakhs, household articles, a sum of Rs.3 lakhs towards the betrothal function, about Rs.10 lakhs towards marriage expenses, and other customary articles. Despite receiving the same, they allegedly continued to demand further dowry and subjected her to harassment. It was also her case that she was not permitted to visit her parental home even during festivals and family functions. According to her, for a considerable period after the marriage, she was prevented from freely meeting her parents and other relatives. She further alleged that additional dowry demands were made even after marriage, including during the first Deepavali celebrated after the wedding. According to the wife, the husband, acting at the instigation of his parents and sister, frequently subjected her to both physical and mental cruelty with a view to extract additional dowry. She further alleged that the husband failed to take proper care of the welfare and education of the child and that his conduct was overly influenced by his family members.

4.3. The wife stated that the calls made to the police emergency help-line were only on account of the physical assaults and harassment suffered by her.



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Pursuant to such complaints, police officials visited the place, conducted enquiries, and thereafter closed the complaints. According to her, she was ultimately driven out of the matrimonial home and compelled to reside separately. She therefore contended that the allegations of cruelty levelled against her were false and that, on the contrary, she had been subjected to continuous dowry harassment and ill-treatment for years on end. On the above grounds, she sought dismissal of the divorce petition.

5. The case of the wife, as set out in H.M.O.P. No.102 of 2022, is as follows:

5.1. Subsequently, in the year 2022, during the pendency of the matrimonial proceedings, the wife instituted H.M.O.P. No.102 of 2022 seeking restitution of conjugal rights. In the said petition, she substantially reiterated the allegations already made in her counter statement filed in the divorce proceedings.

5.2. In addition thereto, she specifically referred to various incidents that had taken place after the parties started living separately. According to her, several criminal complaints and First Information Reports had come to be registered arising out of incidents involving the husband and his family



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members. She further alleged that during the pendency of the matrimonial proceedings, the same harassment continued and that both parties had lodged complaints and counter-complaints against each other. She also initiated proceedings under the Protection of Women from Domestic Violence Act, alleging continued acts of domestic violence and dowry harassment.

5.3. On the basis of the above allegations, the wife contended that she was always willing to resume cohabitation and lead a matrimonial life with the husband and that it was the husband who had withdrawn from her company without any reasonable cause. Accordingly, she sought a decree for restitution of conjugal rights.

6. The counter of the husband, as set out in H.M.O.P. No.102 of 2022, is as follows:

6.1. The husband filed a counter statement in H.M.O.P. No.102 of 2022 denying all the allegations made by the wife. He specifically contended that the petition for restitution of conjugal rights had not been filed with any genuine intention to resume matrimonial life. According to him, after repeatedly lodging police complaints, initiating criminal proceedings, and filing proceedings under the Domestic Violence Act, his wife has not genuinely filed the petition for



restitution of conjugal rights.

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6.2. The husband further contended that the petition for restitution of conjugal rights was filed only as a counter blast to the divorce proceedings and that the offer to resume cohabitation was neither *bona fide* nor genuine. He therefore sought dismissal of the said petition.

6.3. The learned Family Judge did not conduct a joint trial of both proceedings. Separate trials were conducted in H.M.O.P.No.67 of 2020 and H.M.O.P.No.102 of 2022, and independent evidence was recorded in each case.

7.1. In order to substantiate his case in H.M.O.P.No.67 of 2020, the husband examined himself as P.W.1 and marked Exs.P1 to P7. On the side of the wife, she examined herself as R.W.1 and her father was examined as R.W.2. Exs.R1 to R3 were marked on her side.

7.2. In H.M.O.P.No.102 of 2022, which was filed by the wife seeking restitution of conjugal rights, the wife examined herself as P.W.1 and her father as P.W.2 and marked Exs.A1 to A7. On the side of the husband, he examined



himself as R.W.1 and marked Exs.R1 to R15.

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8. Finding of the Tribunal :-

The learned Family Judge, upon consideration of the oral and documentary evidence adduced by both parties, accepted the case of the husband in H.M.O.P.No.67 of 2020 and granted a decree of divorce. The learned Judge, however, did not accept the claim of the wife in H.M.O.P.No.102 of 2022 seeking restitution of conjugal rights and consequently dismissed the said petition.

9. Aggrieved by both the decrees, the wife has preferred the present Civil Miscellaneous Appeals.

10.1. At the time of filing the appeals, the wife was represented by her counsel. Subsequently, at her request, the counsel withdrew his appearance and the wife continued to appear as party-in-person from 10.01.2025. During such appearance before this Court she filed petitions seeking reception of additional documents. She also filed applications invoking Order XLI Rule 27 of the Code of Civil Procedure for reception of additional evidence. When the matters were



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taken up for hearing, this Court noticed that many number of documents were sought to be produced and that several factual and legal issues arising in the appeals required detailed examination. In those circumstances, with the consent of the wife, this Court appointed Mr.J.Bharadan, a senior member of the Bar having more than three decades of standing and experience, to assist and represent the wife in the proceedings.

10.2. This Court also granted sufficient time to enable the wife to instruct the learned counsel and to place all relevant materials before him. On the subsequent hearing dates, the wife appeared in person and expressed her satisfaction with the assistance rendered by the learned counsel. She informed the Court that the learned counsel had thoroughly prepared the matter and that she had given all necessary instructions to him. Accordingly, this Court permitted the learned counsel to continue to represent and argue the matter on her behalf. Thereafter, elaborate submissions were made by Mr.J.Bharadan, learned counsel appearing for the appellant-wife. The wife was also personally present before the Court throughout the course of hearing providing necessary instructions to the counsel.

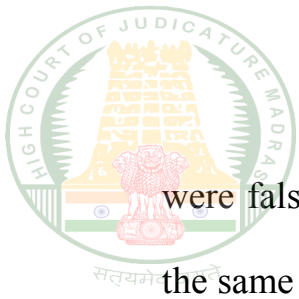


11. Submissions of the learned counsel appearing for the appellant:

The sum and substance of the submissions advanced on behalf of the wife is that the learned Family Judge was unduly influenced by the conduct attributed to the wife and approached the matter with a preconceived notion and prejudiced mind which ultimately resulted in the passing of the impugned decrees.

11.1. According to the learned counsel, the husband had failed to establish any legally sustainable ground of cruelty warranting dissolution of marriage. However, the learned Family Judge proceeded to grant a decree of divorce principally on the premise that the wife had lodged complaints against the husband and his family members. Such an approach, according to the learned counsel, is contrary to the settled principles laid down by the Hon'ble Supreme Court.

11.2. The learned counsel contended that the mere lodging of complaints, registration of criminal cases, investigation by the police, or even filing of final reports cannot, by themselves, constitute matrimonial cruelty unless it is independently established that the allegations were knowingly false, malicious, or motivated. In the absence of any adjudication holding that the complaints



were false or vexatious, the learned Family Judge was not justified in treating the same as acts of cruelty committed by the wife.

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11.3.The learned counsel further took this Court through the oral and documentary evidence in detail and submitted that the materials on record clearly demonstrate that the wife had consistently expressed her willingness to resume cohabitation and continue the matrimonial relationship. According to him, the evidence also establishes that the wife had been subjected to physical and mental cruelty at the hands of the husband and his family members and that the criminal complaints were lodged legally in response to such wrong doings.

11.4.It was further submitted that there has been no finding by any competent forum that the complaints lodged by the wife were false. On the contrary, according to the learned counsel, the materials available on record indicate that there was substance in the allegations raised by her.

11.5.The learned counsel also submitted that even as on date, the wife is willing to withdraw all pending litigations and resume matrimonial life with the husband in the larger interest of the minor child and for preservation of the matrimonial bond.



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11.6. The learned counsel further contended that the wife was unable to withdraw the proceedings earlier only because of the continuing acts of physical assault and harassment allegedly perpetrated by the husband and his family members. According to him, the criminal proceedings initiated by the wife were founded on genuine grievances and could not be characterized as false or malicious.

11.7. It was also argued that a careful reading of the evidence would show that there were no serious or irreconcilable differences between the parties and that the disputes arose only on account of certain family issues and misgivings. Merely because the wife had approached the police and other legal forums in such circumstances, the same could not be treated as a ground for dissolution of marriage or for denying the relief of restitution of conjugal rights.

11.8. Lastly, the learned counsel submitted that the conduct of the husband in not paying adequate maintenance and in failing to discharge his parental obligations towards the child ought to have been taken into consideration by the learned Family Judge. According to him, these aspects were not properly appreciated while adjudicating the rival claims of the parties.



On the above submissions, the learned counsel prayed for setting aside both the impugned judgments and decrees passed by the learned Family Judge.

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12. Submissions of the learned counsel for the respondent :-

Per contra, the learned counsel appearing for the respondent-husband supported the findings of the learned Family Judge and sought dismissal of both the appeals.

12.1. The learned counsel submitted that even according to the grounds of appeal and the synopsis filed on behalf of the wife, the matrimonial relationship between the parties remained cordial and smooth until the year 2019. According to him, the disputes arose only when the parties stayed at the husband's native village during the relevant period. Therefore, the allegations regarding continuous dowry demands and sustained cruelty from the inception of the marriage are inherently improbable and unsupported by reliable evidence.

12.2. The learned counsel further submitted that it is an admitted fact, as borne out by the evidence of the wife (R.W.1) and her father (R.W.2), that emergency calls were made to the police and that police personnel repeatedly



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visited the residence of the husband and conducted enquiries. According to the learned counsel, such repeated police intervention itself caused humiliation and mental agony to the husband and his family members.

12.3. The learned counsel further contended that after the initiation of the divorce proceedings, numerous complaints and proceedings came to be instituted by the wife against the husband and his family members. According to him, all such proceedings were founded on false allegations and were initiated only with a view to harass the husband and prevent him from obtaining a decree of divorce.

12.4. The learned counsel also pointed out that the father of the wife was serving as a Personal Security Officer (PSO) attached to the office of the then Hon'ble Chief Minister and that, taking advantage of such position and influence, repeated complaints were lodged against the husband and his family members. It was further submitted that some of the complaints had ultimately been closed without any action, thereby demonstrating the falsity of the allegations.



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12.5. According to the learned counsel, the repeated filing of complaints, criminal proceedings and other litigations not only caused severe mental cruelty to the husband but also sullied the reputation and standing of his family in the village and society. Therefore, the learned counsel submitted that the conduct of the wife squarely constituted matrimonial cruelty within the meaning of Section 13(1)(i-a) of the Hindu Marriage Act.

12.6. The learned counsel further invited the attention of this Court to the evidence of the wife and her father. According to him, several serious allegations had been levelled against the husband and his family members without any supporting material. Particular reference was made to allegations involving the husband's mother and sister. It was submitted that the husband's sister was residing abroad, yet serious allegations had been made against her without any basis. Such reckless allegations, according to the learned counsel, clearly establish the intention of the wife to harass the husband and his family members.

12.7. The learned counsel therefore submitted that the cumulative effect of the repeated complaints, criminal proceedings, domestic violence proceedings and allegations made against the husband and his relatives unmistakably establishes mental cruelty and fully justifies the decree of divorce granted by the learned Family Judge.



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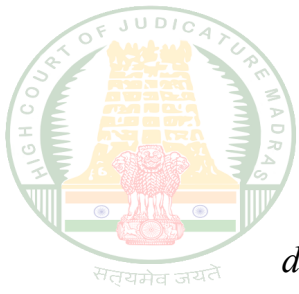
12.8. With regard to the petition for restitution of conjugal rights, the learned counsel contended that the alleged willingness expressed by the wife to resume matrimonial life was not genuine and bona fide. According to him, a careful reading of the pleadings and evidence would show that there was no sincere desire on the part of the wife to reunite with the husband.

12.9. The learned counsel submitted that even in the proof affidavit filed by the wife in H.M.O.P. No.102 of 2022, there was no unequivocal expression of her intention to resume matrimonial life. On the contrary, the tenor of the pleadings and evidence demonstrated her unwillingness to join with the husband and his family members.

13. This Court has carefully considered the rival submissions made on either side, perused the entire records available before the Court, and examined the precedents relied upon by the respective parties.

14. The crucial questions that arise for determination in these appeals are:

(i) Whether the husband has established the grounds entitling him to a decree of divorce?

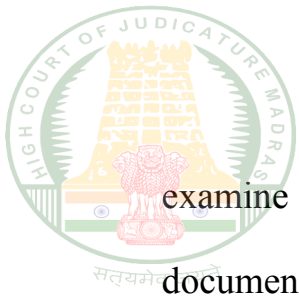


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(ii) *Whether the wife has established her entitlement to a decree for restitution of conjugal rights?*

15. Discussions:-

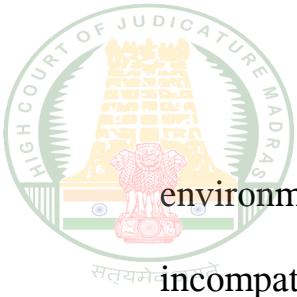
15.1. It is a well-settled principle that matrimonial disputes stand on a different footing from ordinary civil disputes. In most matrimonial cases, the adjudication largely depends upon the oral testimony of the parties and the surrounding circumstances arising out of their matrimonial life. Experience shows that in matrimonial disputes, certain incidents may sometimes be blown out of proportion due to emotional factors, misgivings, or strained relationships between the parties. Therefore, while appreciating the evidence, the Court must separate exaggeration from the real happenings and ascertain whether the act complained of is of such a nature as would legally constitute cruelty or justify restitution of conjugal rights. The Court is further required to carefully scrutinize the evidence adduced by both parties, assess the probabilities arising from the conduct of the spouses, and evaluate the documentary evidence in the backdrop of the overall matrimonial relationship. The task becomes particularly delicate when serious allegations and counter-allegations are levelled by one spouse against the other regarding incidents alleged to have taken place within the four walls of the matrimonial home. Accordingly, this Court proceeds to



examine the evidence on record, the surrounding circumstances, and the documentary materials placed by both parties.

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15.2. It is evident from the oral and documentary evidence adduced in both proceedings that, after the marriage was solemnized on 29.06.2015 at Thanjavur, the parties resided together at Chennai and led their matrimonial life. During the wedlock, a female child was born on 12.12.2016 and continued to reside together at Chennai till the COVID-19 pandemic. After the birth of the child, disputes arose between the spouse regarding usual domestic issues. The husband appears to have made arrangements for the child's education within his means, whereas the wife insisted upon admission in an institution involving expenditure beyond his means. Further, she was not allowed to go her parent's house. That being the situation, During the COVID-19 pandemic, the parties shifted residence from Chennai to the husband's native place (*sengipatti village*) and resided in the matrimonial home along with the husband's family members. She had easy access to meet her parent in the nearby village namely *Budalur*. The evidence further discloses that, during the relevant period, the husband was away from the village on account of his employment, while the wife remained in the matrimonial home along with the child. It appears that the wife found it difficult to adjust with the family



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environment prevailing in the matrimonial home at *sengipatti* village and the incompatibility perceived by her gradually developed into matrimonial discord, ultimately resulting in repeated complaints being lodged against the husband and his family members.

15.3.Subsequently, without informing either the husband or his family members, the wife left the matrimonial home and went to reside with her parents. Thereafter, the wife continued to lodge complaints alleging that she was subjected to harassment and ill-treatment by the husband and his family members. The wife alleged that she had been confined in a separate room, denied proper food and prevented from communicating with her family members. However, except her bare statement, no independent evidence has been produced to substantiate such serious allegations.

15.4.From the evidence on record, it is evident that, during the subsistence of the matrimonial relationship and until the wife left the matrimonial home, she was treated with dignity by the husband and his family members. The evidence further discloses that her *Valagappu* (baby shower) ceremony was celebrated in a grand manner, reflecting cordial family relations. No reliable material has been produced to substantiate her allegation that she



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was subjected to inhuman treatment. On the contrary, following suggestions and assertion made during her cross-examination indicate that her family members had assaulted the husband, for which he had undergone medical treatment and her father had earlier served as the Personal Security Officer to the then Chief Minister and that, by taking advantage of such influence, number of complaints were lodged against the husband and his family members.

எனது வளைகாப்பு எனது மாமனார் வீட்டில் அவர்களது செலவில் தான் நடந்தது என்றால் ஆமாம்.

எனது தகப்பனார் 2015-க்கு முன்பு அந்த காலகட்டத்தில் தமிழ்நாட்டு முதலமைச்சரின் PSO ஆக பணியாற்றினார் என்றால் ஆமாம். அவருடைய செல்வாக்கை பயன்படுத்தி தொடர்ந்து காவல் துறையினரை கூப்பிட்டு எதிர்மனுதாரரை மிரட்ட வைத்தோம் என்றால் இல்லை.....

எங்கள் திருமணத்திற்கு பிறகு எத்தனை முறை காவல் துறையினர் எதிர்மனுதாரர் வீட்டிற்கு நான் இருந்த போதும் இல்லாதபோதும் வந்தார்கள் என்றால் நான் அவர்கள் வீட்டில் இருந்த போது நான் போன் பண்ணியும், எனது தகப்பனார் போன் பண்ணியும் இரண்டு முறை காவல் துறையினர் வீட்டிற்கு வந்தார்கள்.

நான் எதிர்மனுதாரர் வீட்டை விட்டு வந்த பிறகு இரண்டு புகார்கள் காவல் துறையினரிடம் கொடுத்தேன். நான் கொடுத்த இரண்டு புகார்களைத் தவிர செங்கிப்பட்டி காவல் நிலையத்தில் குற்ற எண்.1129/2020 என்ற வழக்கு எதிர்மனுதாரர் மற்றும் அவரது பெற்றோர் பெயரில் பதியப்பட்டது என்றால் ஆமாம். தற்போது எவ்வளவு வழக்குகள் நடைபெறுகிறது என்றால் DVC வழக்கு, சேர்ந்து வாழ பரிகாரம் கோரி வழக்கு, எதிர்மனுதாரர் தாக்கல் செய்துள்ள விவாகரத்து வழக்கு ஆகியவை நடைபெறுகிறது. இரண்டு முறை DVC வழக்கு போட்டேன் என்றால் சரியல்ல.

வரதட்சணை கேட்டதாக சொல்லி ஒரு வழக்கு குற்றவியல் நடுவர் எண்.3, தஞ்சாவூரில் நிலுவையில் உள்ளது என்றாலும், அதில் எதிர்மனுதாரரும், அவரது பெற்றோர்களும் எதிரிகளாக முன்னிலையாகி வருகிறார்கள் என்றாலும் எனக்கு தெரியாது.

எனது சகோதரி திருமணத்திற்கு பத்திரிக்கை வைப்பதற்கு சென்னையில் நானும் எதிர்மனுதாரரும் இருந்த வீட்டிற்கு எனது அம்மாவும், அப்பாவும், தம்பியும் வந்தார்கள் என்றால் ஆமாம். அப்போது எனது தம்பி மட்டும் தான் எங்கள்



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வீட்டிற்குள் வந்தார் என்றாலும், எனது பெற்றோர்கள் வீட்டுக்குள் வரவில்லை என்றாலும் ஆமாம், எனது கணவர் எனது பெற்றோரை வீட்டிற்குள் விடவில்லை. எனது சகோதரியின் திருமணத்திற்கு நான் போகவில்லை என்றால் ஆமாம். அது போல் பத்திரிக்கை வைக்க வரும் போது தான் எனது கணவருக்கும் எனது பெற்றோருக்கும் பிரச்சனை ஏற்பட்டு எனது கணவர் பத்திரிக்கையை வைத்துவிட்டு போங்கள் என்றும், திருமணத்திற்கு வரப்போவதில்லை என்று எனது கணவர் சொன்னார் என்றால் அப்படியெல்லாம் சொல்லவில்லை. பத்திரிக்கை வைக்க வந்தபோது எனது பெற்றோர் என்னை அழைத்துச் செல்வதற்காகத்தான் வந்தார்கள் என்றால் அப்படியெல்லாம் வரவில்லை. அப்போது எனது பெற்றோர் என்னை அழைத்தார்கள் என்றாலும் எனது கணவர் என்னை அனுப்ப மறுத்துவிட்டார் என்றாலும், எனது அம்மா என்னிடம் தாலியை கழற்றி எறிந்து விட்டு வா அவருடன் இருக்க வேண்டாம் என்று என்னை அழைத்தார் என்றாலும் இல்லை. அப்போதுதான் எதிர்மனுதாரர் அது குறித்து கேட்டபோதுதான் எனது தாயார் தனது காலணியால் எதிர்மனுதாரரை அடித்துவிட்டார் என்றால் இல்லை.

எனது சகோதரியின் திருமண பத்திரிக்கையை வைக்க வந்த எனது பெற்றோர் எதிர்மனுதாரரை தாக்கி அவருக்கு முதுகெலும்பில் பாதிப்பு ஏற்பட்டு தொடர்ந்து தற்சமயமும் சென்னை, அப்பல்லோவில் தொடர் சிகிச்சை பெறுகிறார் என்றால் எனக்கு தெரியாது, அதனால் அவர் ஓரிடத்தில் தொடர்ந்து அமர இயலாது என்றால் இல்லை, நார்மலாக தான் இருக்கிறார்.

நான் தான் எதிர்மனுதாரரை பலவகையில் கொடுமைப்படுத்தி அவரோடு சேர்ந்து வாழ இயலாத நிலைக்கு வாழ்க்கையை ஆக்கிவிட்டேன் என்றால் இல்லை. எதிர்மனுதாரர் வேலையை விட்டுவிட்டு செங்கிப்பட்டியில் அவரது பெற்றோர் வீட்டில் இருக்கிறார் என்றால் கண்பார்மாக தெரியவில்லை. நான் செய்த கொடுமைகளால் எதிர்மனுதாரரால் எந்த பணியிலும் தொடர்ந்து இருக்கமுடியவில்லை என்றாலும், பணியில் கவனம் செலுத்த முடியவில்லை என்றாலும், அதனால் எந்த பணியிலும் இருக்க முடியாமல் இருக்கிறார் என்றாலும் இல்லை, பிசினஸ் செய்கிறார். என்ன பிசினஸ் செய்கிறார் என்றால் கம்பெனிக்கு பிராஜக்ட்ஸ் வேலை செய்கிறார், பார்ம்ஸ் வைத்திருக்கிறார். நான் அவர் வைத்திருப்பதாக சொல்லும் பார்ம்மை பார்த்திருக்கிறேனா என்றால் இல்லை, அது எங்கு இருக்கிறது என்றால் எனக்கு தெரியாது. அவர் எந்த பார்ம்சும் வைத்திருக்கவில்லை என்றாலும், நான் செய்த கொடுமைகளால் எந்த வேலையும் இல்லாமல் இருக்கிறார் என்றாலும் சரியல்ல.

நான் எதிருரையில் சேர்ந்து வாழ்வதாக சொல்லியிருக்கும் விவரங்கள் பொய்யானது என்றால் இல்லை. நான் செய்த கொடுமைகளால் எதிர்மனுதாரர் என்னோடு சேர்ந்து வாழ வாய்ப்பு இல்லை என்றாலும், எதிர்மனுதாரர் கோரியுள்ள விவாகரத்து பரிகாரம் அவருக்கு கிடைக்கத்தக்கது என்றாலும், பொய் சாட்சியம் அளிக்கிறேன் என்றாலும் சரியல்ல.”

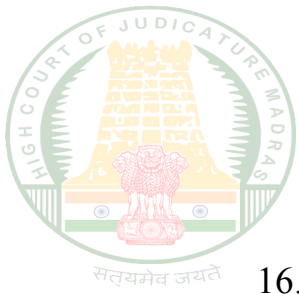


என்னை வரதட்சணை கேட்டோ, வேறு எந்த தொகையோ, நகைகளோ கேட்டு துன்புறுத்தவும் இல்லை என்றாலும், இந்த விவாகரத்து மனுவிற்காக நான் பொய்யான விவரங்களை சொல்கிறேன் என்றாலும் பொய்.

16.1. According to the wife herself, there was no serious dispute between her and her husband. It is clear from the following evidence of the wife that the husband never demanded dowry:

எனக்கும் எனது கணவருக்கும் எவ்வித பிரச்சனையும் இல்லை. அப்புறம் ஏன் எதிர்மனுதாரர் பெயரில் காவல் துறையில் புகார் கொடுத்தேன் என்றால் அவர் அவரது அம்மா, அப்பா பேச்சைக் கேட்டுக்கொண்டு என்னை தள்ளிவிட்டார். நான் தற்போதும் எதிர்மனுதாரர் பெயரில் உள்ள வரதட்சணை கேட்டார் என்ற புகாரை தொடர்ந்து நடத்தவிருக்கிறேனா என்றால் உண்மையை தான் தெரிவிக்க வேண்டும் இருக்கிறேன்.

16.2. The above admissions, when read as a whole, not only materially weaken her case that she was subjected to dowry-related harassment by the husband and also probabalises the case of the husband that he had not made any dowry demand and that the allegations made against him were unsupported by reliable evidence. However, she proceeded to lodge complaints containing allegations of dowry demand and harassment against the husband. When questioned regarding the complaints, she sought to justify the same by attributing that her husband harassed her at the influence of his parents. At the same time, she admitted that the proceedings initiated by her against the respondents were being pursued by her. Hence, the conduct of the wife, as borne out by the evidence on record, has caused considerable mental agony to the husband.



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16.3. It is pertinent to note that specific allegations have also been levelled against the sister of the husband. The materials on record disclose that she was residing separately at her matrimonial home and subsequently her husband had gone abroad. Except making bald allegations, of harassment no material whatsoever has been placed before this Court to demonstrate her husband's involvement in any act of dowry demand or harassment.

16.4. The further evidence of the wife discloses that she had lodged more than five complaints against the husband and his family members. On 04.04.2020, the wife again made a complaint through police control-room call, pursuant to which the police visited the matrimonial home, conducted an enquiry, and closed the matter. Thereafter, she left the matrimonial home. Again, on 10.04.2020 and 16.10.2020, she visited the residence of the husband and raised issues and made complaints. Two of such further complaints were initiated through calls made to the police control room (100). Pursuant thereto, the police officers visited the residence of the husband, conducted enquiries with the parties, and ultimately closed the complaints. The said fact has been admitted by the wife in her evidence. The evidence on record further reveals that both families are well-respected families in their locality and enjoy considerable social respect. What is evident from the records is that frequent



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calls made to the police control room resulting in police officers repeatedly visiting the residence of the husband, repeated complaints were made, resulting in repeated police enquiries against the husband and his family members and subjecting him and his family members to enquiries, are circumstances which cannot be lightly brushed aside and undoubtedly Such incidents would naturally cause embarrassment, humiliation and mental agony to the husband and his family members.

16.5. This Court also finds no material evidence or surrounding circumstances to reasonably infer that the husband or his family members had subjected the wife to harassment. The cumulative effect of the repeated complaints with reckless allegations affecting the reputation and social standing of the spouse and his family members, repeated police interventions and the consequent humiliation and mental distress caused to the husband and his family members, clearly establishes mental cruelty. It is a settled principle that reckless and unsubstantiated allegations touching upon the character and conduct of a spouse and his family members constitute mental cruelty and the same was fortified by the following decision of Hon'ble Supreme Court:



16. Thus, to the instances illustrative of mental cruelty noted in Samar Ghosh [(2007) 4 SCC 511] , we could add a few more. Making unfounded indecent defamatory allegations against the spouse or his or her relatives in the pleadings, filing of complaints or issuing notices or news items which may have adverse impact on the business prospect or the job of the spouse and filing repeated false complaints and cases in the court against the spouse would, in the facts of a case, amount to causing mental cruelty to the other spouse.

16.6. Another significant circumstance is the conduct of the wife in relation to the husband's visitation rights. The records disclose that the competent court had granted visitation rights to the husband for meeting the child. However, according to the husband, he was repeatedly denied access to the child despite the order of the Court. Such conduct, if viewed cumulatively with the other circumstances on record, would have undoubtedly caused considerable mental agony to the husband. The materials also disclose that separate “DVOP” proceedings were initiated by the wife on the basis of pleadings which, according to the husband, were inconsistent with the actual state of affairs. Though this Court refrains from rendering any finding on the merits of those proceedings, the institution of multiple litigations and complaints after the filing of the divorce petition, without any genuine effort to restore the matrimonial relationship, is a relevant factor while assessing the overall conduct of the parties. The cumulative effect of the wife's conduct, namely, leaving the matrimonial home without intimation, making repeated

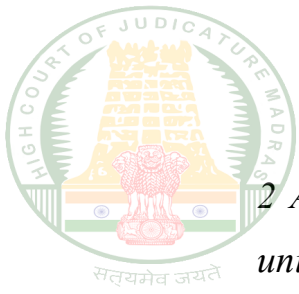


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complaints against the husband and his family members, levelling allegations of dowry demand, initiating multiple proceedings clearly establishes mental cruelty to the husband . Therefore, this Court finds no infirmity or perversity in the findings recorded by the learned trial Judge that the husband was subjected to mental cruelty at the hands of the wife is fully supported by the evidence available on record and warrants no interference in this appeal. The learned trial Judge has rightly appreciated these circumstances and concluded that the conduct of the wife caused mental cruelty to the husband.

17.1. It is the specific case of husband that Wife's claim for restitution of conjugal rights was not bona fide. In the normal course, when a spouse seeks restitution of conjugal rights, a bona fide and sincere effort towards reunion is expected. Such an offer must be genuine and demonstrative of a real desire to restore the matrimonial relationship. It is relevant to refer from Halbury's Law of England, meaning of “*offer of return*”.

“The offer must be genuine, that is it must be made in good faith in the sense that it is an offer to return permanently which, if accepted, will be implemented, and is an offer containing as assurance to terminate the conduct, if any, that caused the separation. An offer must likewise be made in good faith where the parties separated consensually” and also it is relevant to refer the judgment of the house of lords in W. v. W.(No.2), (1954)



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2 All E.R.829 for the proposition that whether the offer for re-union is genuine, has to be decided bearing in mind the background of the case”.

17.2. Before and after leaving the matrimonial home on her own without informing husband and her In-Laws the wife proceeded to lodge a series of complaints against the husband and his family members, including allegations of dowry demand. It is also evident that, after the filing of the divorce petition, the wife proceeded to lodge further complaints against the husband and his family members and also initiated proceedings under the Protection of Women from Domestic Violence Act. Mere filing of criminal complaints or initiating proceedings under the Domestic Violence Act cannot, by itself, be held against a spouse or constitute matrimonial cruelty. However, in the peculiar facts and circumstances of the present case, the position stands on a different footing. The wife herself admitted that the husband had not subjected her to dowry harassment. Some of earlier complaints had already been closed after enquiry, yet she neither expressed any willingness to withdraw those complaints nor evinced a genuine desire to restore the matrimonial relationship. Significantly, neither in the counter filed by her in the divorce proceedings nor in the restitution of conjugal rights petition instituted belatedly did she make any specific averment manifesting a sincere intention to resume cohabitation and



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preserve the matrimonial bond. On the contrary, the overall conduct indicates absence of any genuine effort towards reconciliation or restitution of the marital relationship.

17.3. Matrimonial peace is the very foundation of a matrimonial home. Once that foundation has crumbled beyond repair, it would be unreasonable to compel the husband to continue the marital relationship. In this case, what initially began as minor matrimonial discord gradually escalated into a serious and irretrievable breakdown of the marital relationship, primarily owing to the initiation of multiple complaints and criminal proceedings. Instead of attempting to mend the existing cracks in the relationship, she re-doubled the issue by lodging complaint after complaint and expressed her intention to continue prosecution of criminal cases and the domestic violence proceedings against her husband and his family members which have resulted in a complete erosion of mutual trust and confidence. Therefore, this court finds that the filing of a petition for restitution of conjugal rights after several years, without expressing any genuine desire for reconciliation or heartfelt reunion, cannot, in the considered opinion of this Court, be construed as a bona fide offer to resume matrimonial life or return to the matrimonial home and her conduct not only indicates a lack of a sincere intention to resume matrimonial life but also



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perpetuated the discord between the parties, thereby diminishing the possibility of resuming married life by turning over a new leaf. Hence, this court finds every justification of the husband's following suggestion made in evidence that wife filed for restitution of conjugal rights without any bonafide intention, solely to defeat the husband's claim for divorce:

.....சேர்ந்து வழக்கிறேன் என்று நான் சொல்வது நல்லெண்ணத்தில் நான் சொல்லவில்லை என்றாலும், எதிர்மனுதாரருக்கு விவாகரத்து கிடைக்கக்கூடாது என்பதற்காக நான் சொல்லியிருக்கும் விவரம் என்றால் இல்லை.

In view of the above discussion, it would not be appropriate to expect the husband to forget the past as a mere bad dream and resume cohabitation. As the saying goes, *only the wearer knows where the shoe pinches*.

17.4. At this point, it is relevant to extract the following portion the judgment of the Hon'ble supreme court in the case of

17.4. A. Jayachandra v. Aneel Kaur, (2005) 2 SCC 22

16. The matter can be looked at from another angle. If acts subsequent to the filing of the divorce petition can be looked into to infer condonation of the aberrations, acts subsequent to the filing of the petition can be taken note of to show a pattern in the behaviour and conduct. In the instant case, after filing of the divorce petition a suit for injunction was filed, and the respondent went to the extent of seeking detention of the appellant. She filed a petition for maintenance which was also dismissed. Several caveat petitions were lodged and as noted above, with wrong address. The respondent in her evidence clearly accepted that she intended to proceed with the execution proceedings, and prayer for arrest till the divorce case was finalised. When the respondent gives priority to her profession over her husband's freedom it points unerringly at disharmony, diffusion and disintegration of marital unity, from which the Court can deduce about irretrievable breaking of marriage.



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17.5. The division bench of this court also in similar circumstance in the case of ***R. Raghunandhan v. M. Revathi***, 2012 SCC OnLine Mad 1816 783 has held as follows.

41.If the facts of this case and the findings recorded by us as above are considered in the backdrop of the aforesaid legal principles, the act of the Respondent in making false allegations against the Appellant and his family members, which are unsubstantiated and the act of the Respondent in lodging the Complaint after Complaint against the Appellant and his family members and forcing them to approach this Court seeking anticipatory bail and as a result they had to comply with the onerous conditions imposed by this Court would definitely amount to “mental cruelty”. If really, the Respondent was or is really interested in living with the Appellant as claimed by her, she would not have acted as above and definitely she would not have lodged three Complaints even after the dismissal of the divorce Petition and during the pendency of the above Appeal. Therefore, the aforesaid acts of the Respondent clearly establishes the hollowness of her claim that she wants to live with the Appellant.

17.6 Applying the aforesaid principles to the totality of the facts and circumstances of the present case, this Court is of the considered view that the conduct of the wife does not disclose any genuine intention to resume matrimonial life. No sincere offer for restitution or bona fide effort to restore cohabitation is discernible from her conduct. The petition for restitution of conjugal rights, therefore, lacks merit and is accordingly dismissed.



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18. Marriage is the unification of minds and hearts of two individuals. Every marriage begins with the hope of leading a peaceful and harmonious matrimonial life. Marriage is a relationship that thrives on trust, respect, understanding, and the willingness of two individuals to place the welfare of the family above their individual egos and its sustainability and solemnity lies in the countless acts of patience, forgiveness, tolerance and companionship.

19. Every matrimonial relationship is tested by differences. Such differences are natural because no two individuals think alike or react alike. It is often said that a happy marriage is not one where differences never arise, but one where differences never become more important than the relationship itself. The true strength of a marriage lies in the ability of the spouses to bridge those differences with empathy rather than allowing them to widen into irreconcilable distances. Misunderstandings are but passing clouds; if approached with patience and compassion, they soon disperse.

20. However, in the present age, the relentless and unnecessary tendency to multiply one's wants has often transformed homes into arenas of competing egos. Mahatma Gandhiji's timeless reminder that *"it is sinful to multiply one's*



wants unnecessarily" is not merely an economic ethic but a marital philosophy.

Unbridled and unchecked desire breeds possessiveness; possessiveness nourishes ego; and ego, like an invisible termite, silently consumes the very foundations of conjugal happiness by eroding mutual trust, affection, and understanding, ultimately giving way to discord, matrimonial litigation, and the painful disintegration of the marital bond. Here again, it is relevant to note the Mahatma's further reflection, that *"When the ego dies, the soul awakens. When the soul awakens, all sorrow vanishes."* carries profound relevance to matrimonial jurisprudence. Ego is the silent adversary of matrimony. Ego is the unseen adversary of every happy home. When ego is allowed to eclipse reason, even the brightest relationship is plunged into darkness. Marriage is sustained not by the infallibility of the spouses but by their readiness to forgive, to understand, and to conquer the ego that silently destroys the sanctity of the marital bond. It enters unnoticed, speaks in the language of self-righteousness, and departs only after leaving behind the ruins of mutual confidence. Unfortunately, many spouses fail to set aside their egos and embrace the spirit of mutual accommodation that is indispensable for a successful marriage. As a result, serenity of mind and peace of heart disappear, and the matrimonial relationship gradually deteriorates.



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21. Matrimonial litigation is seldom about one decisive incident; more often, it is the cumulative effect of unresolved grievances and wounded egos that gradually erodes the foundation of the relationship. The Court is, therefore, reminded that matrimonial adjudication is not an exercise in measuring the faults of one spouse against the virtues of the other. The law does not compel love, nor can a decree manufacture affection. Therefore, the court can adjudicate rights and obligations, but it cannot restore the warmth and affection that only the parties themselves can nurture. When they do not possess the alchemy to rekindle hearts estranged by distrust, this court has no power even to hold the relationship has suffered an irretrievable erosion of trust and companionship, making the continuance of the legal tie a mere shell without its living substance as per the Hon'ble SC in the case of ***shilpa sailesh v. varun sreenivasan reported in 2023 14 scc 231.***

22. The real architect of marital peace is the willingness of each spouse to subordinate the "I" in favour of the "We". *"Ego and love cannot exist together"* At this juncture, it is apposite to recall the golden words of Dr. A.P.J. Abdul Kalam: *"When nails grow long, we cut the nails, not the fingers"*. Likewise, when misunderstandings grow, cut the ego, not the relationship. Matrimonial litigation is a battlefield where egos seek conquest. A spouse who



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insists on victory in every disagreement may eventually discover that the triumph has come at the cost of the marriage itself. In domestic life, the noblest victories are those in which both parties willingly surrender a part of themselves to preserve the whole. Unfortunately, when ego takes the place of empathy, every disagreement becomes a battle to be won rather than a problem to be resolved, and spouses become prisoners of their own pride. Communication ceases, misunderstandings multiply, and affection slowly gives way to bitterness. Where ego enthrones itself, love abdicates; where sacrifice enters, serenity follows. In those few words lies the enduring philosophy of matrimonial harmony. Regrettably, the parties before this Court failed to imbibe this elementary truth. Their relationship, instead of being rescued by understanding, became a casualty of unyielding egos. The inevitable consequence is that this litigation has reached its judicial terminus, leaving behind a solemn reminder that, where understanding departs, even the law stands powerless to preserve the marriage.

23.The learned trial Judge has carefully analysed the entire oral and documentary evidence and arrived at the conclusion that the husband had established the ground of mental cruelty and was consequently entitled to a decree of divorce. Simultaneously, the learned trial Judge rightly found that the



wife had failed to establish a *bona fide* intention to resume matrimonial life and, therefore, dismissed her petition for restitution of conjugal rights. This Court finds no perversity, illegality or infirmity in the appreciation of evidence or the conclusions arrived at by the learned trial Judge. In view of the foregoing discussion and the findings recorded hereinabove, this Court finds no merit in the appeal. Accordingly, both the Civil Miscellaneous Appeals are devoid of merits and are liable to be dismissed.

24. Conclusion:-

24.1. In the result, the Civil Miscellaneous Petitions stand dismissed and the judgment and decree passed by the Family Court, Thanjavur, in H.M.O.P.No.67 of 2020 and H.M.O.P.No.102 of 2022 dated 08.09.2023, is hereby confirmed. No order as to costs.

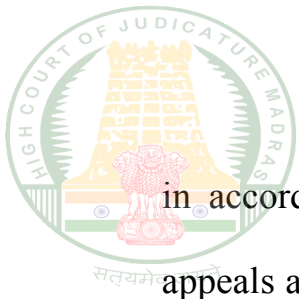
24.2. Insofar as the petitions filed by the wife seeking reception of additional documents is concerned, this Court finds that the proposed documents have no substantial bearing on the issues arising for determination in the present appeals. The subsequent complaints and proceedings relied upon therein either relate to matters already borne out by the existing record or concern issues that are required to be independently adjudicated before the



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competent forums. Therefore, the additional documents sought to be produced are neither necessary nor relevant for the effective adjudication of the present appeals. Hence, the Civil Miscellaneous Petitions in CMP(MD)Nos.19442 & 19444 of 2025 and 4486 of 2026 stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

24.3. Before parting with the case, this Court deems it appropriate to issue necessary directions regarding maintenance. During the pendency of C.M.A. No. 8 of 2024, this Court, by the order dated 09.05.2025, directed the husband to pay a sum of Rs.30,000/- per month towards maintenance. The said order shall continue to operate as per the terms of the order. It is further seen that this Court, by subsequent orders, directed the husband to contribute a sum of Rs.2,00,000/- per annum towards the educational expenses of the child. The said direction shall continue to remain in force, and the husband shall pay the said amount towards the educational and related expenses of the child as and when they arise. The maintenance payable to the minor child shall continue until the child attains majority or until modified by a competent court in appropriate proceedings. Insofar as the maintenance payable to the wife is concerned, the same shall continue in terms of the existing orders and shall remain enforceable unless varied, modified or terminated by a competent court



in accordance with law. It is made clear that the dismissal of the present appeals and the decree of divorce granted in favour of the husband shall not, in any way, affect the maintenance orders already passed by the competent courts, and the husband shall continue to honour the said obligations strictly in accordance with the directions contained therein.

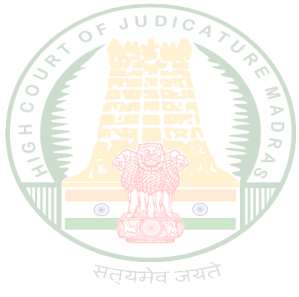
[N.A.V.,J.] & [K.K.R.K.,J.]

28.07.2026

NCC :Yes/No
Index :Yes/No
Internet :Yes/No
sbm

To

- 1.The Family Court,
Thanjavur.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH,J.
and
K.K.RAMAKRISHNAN,J.

sbn

**Pre-delivery Judgment made in
C.M.A.(MD).Nos.1160 of 2023 and 8 of 2024**

Dated: 28.07.2026