

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 18.04.2018

Pronounced on : 11-08-2018

CORAM:

THE HONOURABLE MR. JUSTICE R. SUBBIAH
and
THE HONOURABLE MR. JUSTICE P.D. AUDIKESAVALU

Civil Miscellaneous Appeal No. 3281 of 2013
and
CMP No. 22296 of 2017

Rajendra Kumar ... Appellant/Petitioner

Versus

C.T. Chitra ... Respondent /Respondent

Appeal filed under Section 19 of the Family Courts Act, 1984 against the fair and decreetal Order dated 18.04.2013 passed in OP No. 1305 of 2006 on the file of III Additional Principal Family Court, Chennai

For Appellant : Mr. P.K. Rajagopal
for Mrs. K. Santhakumari
For Respondent : Mr. D. Ramalingam
for Mrs. Sudha Ramalingam

JUDGMENT

R. Subbiah, J

The appellant has come up with this Civil Miscellaneous Appeal aggrieved by the Order dated 18.04.2013 passed in OP No. 1305 of 2006 on the file of III Additional Principal Family Court, Chennai, dismissing the Original Petition filed by him for dissolution of the marriage solemnised with the respondent on 10.05.1998.

2. As per the averments contained in OP No. 1305 of 2006 filed by the appellant, the marriage between the appellant and the respondent was solemnised on 10.05.1998 at C.V. Shah Bhavan, Rirtherdon Road, Purasawalkam, Chennai - 600 007 according to Hindu rites and customs in the presence of elders, friends and

relatives of both sides. At the time of marriage, the appellant was employed in Hyderabad, therefore, after the marriage, the appellant and the respondent went to Hyderabad and started the matrimonial life at the house of the appellant at No.37, Samrat Colony, West Marred Pally, Secunderabad. According to the appellant, his married life with the respondent was not blissful and peaceful from the date of commencement of the matrimonial journey. It is his case that the respondent was always a trouble maker and she used to quarrel with the appellant even for trivial reasons. It is the specific case of the appellant that the respondent demanded the appellant to shift the matrimonial home to her parents house so that they could live along with her parents. Such a demand made by the respondent was not accepted by the appellant and therefore, frequent quarrel emanated between the couple. Further, the respondent often interacted with her parents and they unnecessarily interfered with the matrimonial life of the appellant with the respondent.

3. The appellant would further contend that the respondent did not like his parents, sisters or relatives to visit the matrimonial home and whenever they visit, she insulted them in some form or the other and made their visit an unpleasant one. Further, the respondent refused to accompany the appellant whenever he wanted to go to Chennai to meet his parents. Above all, whenever the appellant conversed with his parents over phone, the respondent, soon after such conversation, confronted the appellant as if the appellant's father wanted the appellant to extend some financial assistance and that the appellant, without the consent of the respondent, is helping his father financially. According to the appellant, his father never sought for any financial assistance from him and the respondent was in no mood to accept whatever explanation that was offered by the appellant in this direction. Even otherwise, in the absence of any request made by his father for any financial assistance, as a son, he has a pious obligation to assist his father financially and that cannot be prevented by the respondent. It is also stated by the appellant that the respondent never permitted him to converse with his neighbours, friends, female colleagues working with him in the office and she suspected the fidelity of the appellant. Further, the respondent compared the earnings of the appellant with that of her brother in law and used to nag and torment him to purchase two flats in Hyderabad and this has caused rift in the matrimonial relationship between the appellant and the respondent. Above all, the respondent used to wakeup in the morning at 8.00 am and she never attended to any domestic work in the house. It was the appellant who was made to attend all the domestic work in the house besides attending to his work in the office. There are occasions when the appellant was

compelled to take food outside and it resulted in deterioration of his health. It is the further case of the appellant that during a petty quarrel, the respondent shouted at top of her voice and abused him in filthy language.

4. It is contended by the appellant that on 03.08.2000, a male child was born to them and after the birth of the child, the respondent became very possessive about the child and totally ignored the appellant. The respondent never permitted his relatives to see the child and exhibited an indifferent attitude towards the visitors who visited the matrimonial home. During a wordy quarrel, the respondent behaved like a psychiatric patient, threw the child from a good distance onto the cot and started talking incoherently. The appellant was shocked at such behaviour of the respondent and he was frightened. The appellant informed his father about the erratic behaviour of the respondent and his father, in turn, talked to the father of the respondent. Due to the adamant attitude of the respondent, the appellant could not have any physical relationship with her and it was totally stopped, thereby, the appellant could not get the matrimonial bliss expected from his wife.

5. During the year 2003, the respondent went to her parents house on and off with the child and stayed in the matrimonial home intermittently. During the last week of July 2004, the respondent called her parents to come to the matrimonial home and she went along with them to the parents house on 02.08.2004 and thereafter she never returned to the matrimonial home. The efforts made by the appellant to contact the respondent went in vain. Even there were mediations at the instance of the elders and relatives of both sides but it did not fructify. The respondent is in custody of the minor child and the appellant was even curtailed of his visitation rights to see the minor child. The appellant is living alone from July 2004 and this was questioned by his friends, relatives, neighbours and colleagues owing to which he was put to shame and degradation. The appellant, unable to concentrate on his employment, has resigned his job with India Cements Limited, Hyderabad during January 2006 and had to settle down in Chennai. The father of the appellant had sent many letters to the father of the respondent to correct the attitude and behaviour of the respondent but it went in vain. The appellant had also written several letters to the respondent but there was no response to those letters. The appellant had lost his job, his health condition deteriorated and he lost his peace owing to the attitude of the respondent in inflicting matrimonial cruelty on him. In such circumstance, the appellant has filed the Original Petition for dissolution of the marriage on the ground of cruelty.

6. Repudiating the averments contained in the Original Petition, the respondent has filed a counter statement before the Family Court. According to the respondent, she was a resident of Hyderabad and the appellant was working at Hyderabad at the time of marriage and therefore, after marriage, the respondent was taken to matrimonial home at Hyderabad from the house of the respondent at Hyderabad. According to the respondent, the matrimonial life was by and large peaceful and blissful, but for the attitude of the father of the appellant, who had written disparaging and damaging letters to the parents of the respondent and also by marking copy of those letters to the relatives of the respondent. According to the respondent, her father-in-law did not like his son enjoying the fruits of the marriage life from the beginning. In fact, the appellant as well as the respondent were employed and therefore, they have no time to indulge in any fight. In fact, the father-in-law of the respondent, even before the birth of the child, found fault with trivial issues in the matrimonial life and the appellant himself informed the respondent not to take the interference of his father seriously. In fact, the father-in-law of the respondent wanted the appellant to depend on him for everything and held the view that the appellant or the respondent should not take any independent decision in any matters on their own. According to the respondent, even the sister of the appellant would not like to visit the home at Chennai due to the presence of her father-in-law and that she is staying separately in Chennai. Therefore, according to the respondent, it is her father-in-law who is instrumental for the rift in the matrimonial home and no fault could be attributed towards her.

7. According to the respondent, she never insisted the appellant to shift the matrimonial home especially when her parents are residing at Hyderabad. It is further stated that one of the sisters-in-law of the respondent is a Doctor and the other is working in a private company and within two years of the marriage, the appellant and the respondent visited their home at Chennai and the respondent also invited them to come to Hyderabad to the matrimonial home whenever they could find time. Whenever the sisters-in-law came to Hyderabad to the matrimonial home, the respondent would avail leave from her office and accompanied them for shopping and other important places for sight-seeing. Therefore, the allegation that the respondent did not like the sisters of the appellant visiting matrimonial home is an utter falsehood. The respondent never confronted the appellant whenever he talks to his father, either to extend financial help or otherwise, as alleged.

8. It is further contended in the counter affidavit of the respondent that she was employed at the time of marriage and

after the birth of the child, she resigned her employment only to take care of the new born. Since she was also employed in a firm, she had a broad outlook and had never questioned the appellant from conversing with her female colleagues, friends or relatives, as has been alleged by the appellant. Further, she never compared the appellant with that of her brothers-in-law with respect to their status and wealth. The respondent never compelled the appellant to purchase two flats at Hyderabad and there was no misunderstanding in this regard between the appellant and the respondent, as alleged. The averment that the respondent wakes up only at 8.00 am is an utter falsehood. The respondent was also employed and therefore, it is not possible to attend to her office if she wakes up at 8.00 am. As a working woman prior to the child birth, she has to attend her office by 9.30 am and therefore, it is impossible to get up 8.00 am to attend her office by 9.30 am. On the other hand, she used to get up early in the morning, cook food for appellant and also attended all the household chores as a dutiful wife. The allegation that the respondent frequently visited her parents house was also denied. The averments that the respondent shouted at the top of her voice, used filthy language and broke the vessels and whatever things available are all imaginary and they are denied. The respondent discharged her duties as a responsible wife and she could not be made responsible for loss of concentration of the appellant and if at all, such an incident had occurred, it was due to the interference of her father-in-law in the matrimonial life, very often.

9. According to the respondent, she never insulted the relatives, friends or colleagues of the appellant, who visited the matrimonial home. The respondent never objected the appellant taking the minor child to Chennai to show him to the father. In fact, the appellant had taken the minor child twice to Chennai by himself to show the child to his father and the respondent never objected to it. The averment that the respondent threw the child from a good distance onto the cot is a sheer imagination of the appellant and no such occurrence had taken place.

10. According to the respondent, the matrimonial relationship between the appellant and the respondent was ruined because of the attitude of the father of the appellant in writing letters with disparaging remarks against the respondent and marking copies of those letters to the relatives of the respondent. The appellant himself stated to the respondent that because of the frequent letters written by his father, it is bound to result in a rift in their matrimonial relationship. The parents of the respondent, after receipt of series of letters, had requested the appellant to request his father not to write such letters. The appellant had also discussed this

issue with his father, however, due to the ill advise given, the appellant has filed the present petition for dissolution of the marriage. In fact, the father of the appellant pressurised him to get transfer of his employment to Chennai and therefore, to convince his father, the appellant had taken leave from his employment and stayed with his father for two months, leaving the respondent to stay in her parents house at Hyderabad. Believing the words of the appellant, the respondent temporarily shifted the residence from her matrimonial home to her parents house. Later, on enquiry, the respondent came to know that the appellant had shifted the matrimonial home and was staying in Hyderabad at some other address. When the respondent enquired about the same, the appellant confessed that he did so as per the advise given by his father. Thereafter, at the request of the appellant, the respondent along with the minor child went to Chennai and stayed with her father-in-law for ten days and came back to Hyderabad in good terms. On 02.06.2004, once again, the appellant, respondent and the minor child went to Chennai. The appellant also informed the respondent that he had arranged for admission of the minor son at Anna Adarsh School, Anna Nagar, Chennai and accordingly, the minor child was admitted in the school during June 2004. After admitting the child in the school, the appellant went to Hyderabad and continued his employment, leaving the respondent and the minor child in the custody of his father at Chennai. During the course of such stay, the respondent was subjected to untold mental agony and torture by her father-in-law and she patiently bore all such humiliation. During the visit of the appellant to Chennai, he had an altercation with his father and left Chennai for Hyderabad. Thereafter, the appellant never contacted the respondent for over a month. Subsequently, on 19.08.2004, there was a quarrel between respondent's father-in-law and her sister-in-law which made the stay of the respondent unpleasant. When this was informed to the appellant, he asked the respondent to be prepared to come back to Hyderabad along with the child. Accordingly, on 22.08.2004 morning, the appellant came to Chennai and after mediations, the appellant, respondent and the minor child left Chennai for Hyderabad. According to the respondent, the appellant openly told to her that he cannot live with her against the wish of his father. Even thereafter, many attempts were made by the parents of the respondent for a reunion but they went in vain. According to the respondent, she is always ready and willing to live with the appellant and therefore, she prayed for dismissal of the Original Petition.

11. Before the Family Court, the appellant examined himself as PW1 and marked two documents namely Marriage invitation and marriage photograph. The respondent examined herself as RW1 and marked Exs. R1 to R17, letters written by father-in-law of the respondent. The Family Court, on analysing the oral and

documentary evidence came to the conclusion that as per the letters written by the father-in-law of the respondent, Exs. R1 to R17, it could be evident that the father-in-law of the respondent had wielded full control over the family affairs of the appellant and the respondent unnecessarily and he never allowed either the appellant or the respondent to take any independent decision. It was further concluded that the letters written by the father-in-law of the respondent was by and large instrumental for separation of the appellant and the respondent. In the letters written by the respondent's father-in-law, he had made so many allegations against his daughter-in-law, the respondent herein and inspite of the same, as per the wish of the appellant, the respondent, along with the minor child, stayed at Chennai along with her father-in-law for some time bearing all the onslaught made towards her. In effect, the Family Court concluded that there is no single proof made available to show that the respondent had in any way subjected the appellant to matrimonial cruelty and therefore, the Family Court dismissed the Original Petition filed by the appellant.

12. Pending the above Civil Miscellaneous Appeal, the appellant has filed CMP No. 22296 of 2017 praying to permit him to file certain other letters written by the father of the appellant which were omitted to be marked by the respondent. According to the appellant, the tone and tenor of these letters written by him as well as his father would speak volumes about the conduct of the respondent, especially in inflicting matrimonial cruelty to the appellant. According to the appellant, the letters could not be marked as he was not in possession of those letters during the time of trial before the Family Court. According to the appellant, these letters are very important to show as to how he was dealt with by the respondent during the subsistence of the matrimonial relationship and thereby he was made to undergo sleepless nights. Therefore, the appellant prayed for marking 10 letters, which are enclosed along with the affidavit filed in support of CMP No. 22296 of 2017 as additional documents in this appeal so as to enable him to substantiate his case that he was subjected to acute mental agony and disturbance by the respondent.

13. The learned counsel appearing for the appellant would vehemently contend that the Family Court failed to take into account the various instances cited by the appellant to show that he was subjected to matrimonial cruelty at the instance of the respondent. Further, the appellant also examined himself as PW1 and narrated the sequence of events that led to filing the Original Petition. However, the Family Court, without taking into account the deposition of PW1 has dismissed the Original Petition by mainly relying on the letters written by the father of the appellant. The Family Court, in the impugned order, had

chosen to extract only certain portions of the letters written by the appellant's father to conclude that the matrimonial rift has been caused between the appellant and the respondent only due to such letters written by the appellant's father. The Family Court had specifically given a finding that the appellant's father has dominated the matrimonial life between the appellant and the respondent and interfered with the matrimonial life to a great extent. However, the Family Court failed to consider the pleadings and evidence let in by the appellant to conclude that the appellant was subjected to matrimonial cruelty inflicted by the respondent in all forms and manifestations. Thus, the Family Court, on irrelevant consideration of the letters said to have been written by the appellant's father, had erroneously dismissed the Original Petition. The Family Court failed to take note of the specific pleadings made by the appellant in the Original Petition with respect to the attitude of the respondent in using abusive language towards the appellant, refusing to use baby foods, clothes and toys sent by the parents of the appellant, preventing the appellant from having normal interactions with his father, suspicious nature when the appellant interacted with his neighbours or his female colleagues in the office which led to a bad impression about the appellant in the society. Even during the cross-examination of the appellant, there was not a single question posed to him about the averments made by the appellant in the Original Petition, rather, the questions were posed only with respect to the letters written by the father of the appellant to the father of the respondent and her relatives.

14. The learned counsel for the appellant would further contend that the Family Court, on analysing Exs. R1 to R17 went to the extent of blaming the appellant for certain deeds and acts done by his father in writing letters to some of the relatives of the respondent. The Family Court failed to consider that those letters were written only to bring an amicable solution to the matrimonial dispute between the appellant and the respondent. The Family Court failed to consider that the respondent, both in her pleadings and evidence, had portrayed her father-in-law in poor light and she could not whisper anything about the appellant herein, which would only show that the appellant had discharged his duties as a dutiful husband and it is the respondent who had largely contributed for the rift in the matrimonial home. According to the learned counsel for the appellant, the marriage between the appellant and the respondent had taken place on 10.05.1998 and the male child was born on 03.08.2000. Even according to the respondent, the father of the appellant did not interfere into the matrimonial home in any manner, however, for the first time, only during October 2000, he had written letters only to set right things that had happened in the matrimonial home led by the appellant with the

respondent. Therefore, it is contended by the learned counsel for the appellant that the Family Court has taken into account the documents marked on behalf of the respondent, which are totally irrelevant for the purpose of considering the Petition for divorce filed by the appellant. In such circumstance, the learned counsel for the appellant prayed for setting aside the order passed by the Family Court and to allow the appeal.

15. Per contra, the learned counsel for the respondent would contend that the Family Court is wholly justified in concluding that the appellant was fully controlled by his father and resultantly, he ignored the dreams and legitimate wishes of his wife, the respondent herein. By pointing out the cross-examination of PW1, it was contended that even after the betrothal and during the distribution of marriage invitation, the appellant, through his father, attempted to stop the marriage without any rhyme or reason and after much persuasion did the appellant's father allow to conduct the marriage and this could be evident from Ex.R2, letter written by the father of the appellant. In fact, the respondent and her family are permanent residents of Hyderabad, however, as per the demand of the father of the appellant, the marriage was solemnised at Chennai. Further, soon after the marriage, when the appellant and the respondent stepped into the house where the appellant's father was staying at Chennai, the appellant and the respondent were scolded by the appellant's father for being late. When the appellant and the respondent left Chennai for Hyderabad, as per the instruction of the appellant's father, no one went to receive the appellant and the respondent at the Hyderabad Railway Station. Further, after the birth of the child, as per the instructions given by the father of the appellant, the respondent resigned her job. The appellant's father also strictly instructed the respondent not to go over her parents house who are residing just 100 meter away and accordingly, the respondent followed the instructions issued to her. Even when the 'head tonsuring ceremony' was held for the minor child at Tirupathi during July 2001, the father of the appellant instructed even the parents of the respondent not to attend such ceremony and therefore, the appellant and the respondent alone went to Tirupathi and completed those ceremonies, which had in fact, caused acute mental agony and disturbance to the respondent especially when her parents could not attend the ceremonies. Further, the appellant's father wrote a letter to the respondent stating that she should not come to his house at Chennai and inspite of such restriction, heeding to the request of her husband, the appellant herein, the respondent went to Chennai along with the minor son and stayed at the house of her father-in-law for three months. Thus, the respondent had obliged and complied with all the instructions given to her, both by the appellant and his father and discharged all her matrimonial

obligations as a dutiful Hindu wife. While so, the appellant has filed the instant Original Petition without any proof to substantiate the averments made therein. The Family Court, rightly appraised the averments and the counter averments, especially Exs. R1 to R17 to conclude that the appellant's father had wielded enormous command towards the appellant and unnecessarily interfered with the matrimonial relationship between the appellant and the respondent which caused rift in the matrimonial home. The Family Court therefore concluded that there is nothing that could be attributable on the part of the respondent to conclude that she has, in any manner, subjected the appellant to matrimonial cruelty and accordingly dismissed the Original Petition. The learned counsel for the respondent therefore prayed for confirmation of the order passed by the Family Court by dismissing the appeal.

16. We have heard the counsel for both sides and perused the materials placed on record. As we have dealt with the factual matrix of the case putforward by the appellant and the respondent, in detail, we are of the view that narration of factual matrix is no longer required. At the same time, those facts which are absolutely germane and necessary alone are dealt with by us for the purpose of disposal of this appeal.

17. The appellant has filed the Original Petition seeking dissolution of the marriage on the ground of cruelty. Therefore, it is just and necessary to examine as to whether the appellant was subjected to any matrimonial cruelty by the respondent.

18. Though very many contentions are raised by the appellant in the Original Petition, a few instances cited by the appellant are required to be examined. Before examining the averments made in the Original Petition, it is necessary to point out that except the interested testimony of the appellant, as PW1, no other independent witness was examined to substantiate the averments made in the Original Petition. Further, the appellant also did not mark any documentary evidence in support of the averments made in the Original Petition.

19. One of the averments made by the appellant in the Original Petition is that the respondent was not cordial towards his relatives, friends or any one who visit the matrimonial home and she insulted any one visiting the matrimonial home. However, in the cross-examination of PW1/appellant, he admitted that his sisters visited the matrimonial home twice and during those occasion, the respondent/wife availed leave from her office, took the sisters for sight-seeing and shopping and made his sisters have a memorable time at the matrimonial home. This piece of deposition of PW1 in the cross-examination would belie

the averment that the respondent did not like the relatives of the appellant to the matrimonial home or she made their visit unpleasant.

20. The appellant, in the Original Petition, had made several allegations that the respondent was lazy, she would wake up at 8.00 am in the morning and would not attend to the domestic chores, which compelled the appellant to take food outside and thereby his health was deteriorated. The further averment made is that the respondent, even during a trivial quarrel, shouted towards him at the top of her voice, would hurl abuses towards him in filthy language, behaved like a psychiatric patient and that she would desert his matrimonial company on and off and takes shelter at her parents house. On examination of the entire material evidence made available, we are of the view that those averments made by the appellant are bald, vague and generic and they are not specific. The aforesaid averments have been made by the appellant without any supporting evidence. In other words, the averments made by the appellant in the Original Petition are not substantiated in a manner known to law, either through oral or documentary evidence. In any event, these averments, in our firm view, are not such that it warrant dissolution of the marriage solemnised between the appellant and the respondent or these averments are sufficient to conclude that the respondent had inflicted matrimonial cruelty on the appellant. Therefore, we hold that the Family Court is right in holding that the appellant failed to prove that he was subjected to matrimonial cruelty at the instance of the respondent.

21. Before the Family Court, the respondent has marked Exs. R1 to R17, letters written by the appellant's father to the father of the respondent and copies of which were admittedly marked to the relatives of the respondent. We have perused the letters written by the father of the appellant. On perusal of the letters, it could be seen that the father of the appellant, by writing such letters, had created chaos, animosity and rift between the family of the appellant and the respondent. The letters written by the appellant, with the given tone and tenor, cannot be construed as an attempt to set right anomalies or shortcomings in the family, rather, it had divided the two families of the spouse. Thus, the father of the appellant, by writing such letters under Ex.R1 to R17 had largely contributed for the separation of the appellant and the respondent to a great extent. As an elder in the family, the father of the appellant ought to have acted in such a way that it will be emulated by others in the family. Rather, the father of the appellant had immensely waged an onslaught towards the respondent from the beginning of her marriage with his son, the appellant herein. This could be evident from the letters

written by him to the family members of the respondent. The contents of these letters are disparaging and they are intended to humiliate and harass the respondent, who is none other than his daughter in law. In fact, in one of the letters dated 07.12.2000, the appellant's father had written that after the marriage, his son was not happy and his son had faulted him for having arranged the marriage with the respondent. In the letter dated 03.10.2001, the appellant's father referred the respondent as a 'female rowdy normally seen in the fish markets'. In yet another letter dated 09.04.2002, he repeatedly referred to the respondent as a 'termagant' (a quarrelsome women). There are several other outraging remarks made by the father of the appellant in his letters, which need not be described by us in this judgment. Thus, by writing the letters marked as Exs. R1 to R17, the father of the appellant had poured oil on troubled waters. However, curiously, even as admitted by the appellant, the respondent and his family members remained calm and quiet without writing any reply as an outburst of their vent. This is also evident from one of the letters dated 05.02.2003 written by the father of the appellant by stating that "I have written 27 letters on an average of one per month detailing all the unseemly and ugly scenes in the Samara colony. You have neither responded, nor confronted me and refuted any or all of the allegations and what is more important, had not taken any steps to ensure that the family in Samarat colony is running on proper and harmonious lines.. You are maintaining a studied silence under a specious explanation like a thief bitten by a scorpion." Further, the appellant remained as a mute spectator to his father writing such letters and causing rift in the family and he was helpless. Therefore, on reading of the letters written by the father of the appellant, which were marked under Exs. R1 to R17, we are of the firm view that it was the father of the appellant who was instrumental for the widening of the matrimonial relationship between the appellant and the respondent. The Family Court extracted some of the letters written by the father of the appellant verbatim to conclude that in spite of many allegations made by the father of the appellant against his daughter-in-law, the respondent herein, yet, as per the wish of the appellant, the respondent, along with the minor child, stayed at Chennai along with her father-in-law for some time, bearing all the onslaught made towards her. We are fully in agreement with such a conclusion arrived at by the Family Court while refusing to grant a decree of divorce at the instance of the appellant. We see no reason to interfere with such an order passed by the Family Court.

22. During the pendency of the appeal, the appellant has filed CMP No. 22296 of 2017 praying to permit him to mark certain letters written by his father which were omitted to be marked by the respondent. At the outset, the appellant has not

given any justifiable reasons for not marking these documents before the Family Court. Further, if this petition is allowed and the letters sought to be marked as additional documents are entertained, it will not be in any way going to advance the case of the appellant any further. We reiterate that the appellant has filed the Original Petition for dissolution of the marriage on the ground of cruelty. However, the appellant failed to substantiate either by way of oral or documentary evidence, except his own interested testimony, that he was subjected to matrimonial cruelty by the respondent,. In such circumstances, we refrain from entertaining the documents sought to be marked by the appellant and accordingly CMP No. 22296 of 2017 is dismissed.

23. For all the reasons mentioned above, we confirm the Order dated 18.04.2013 passed in OP No. 1305 of 2006 on the file of III Additional Principal Family Court, Chennai. The Civil Miscellaneous Appeal fails and it is dismissed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The III Additional Principal Judge,
Family Court, Chennai.

2.The Section Officer,
VR Section,
High Court, Madras-104.

+1cc to Mrs.K.Santhakumari, Advocate Sr.55420

CMA No. 3281 of 2013

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srg 17/09/2018