



WEB COPY

C.M.A(MD)No.701 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2019

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE R.THARANI

C.M.A(MD)No.701 of 2019

Saravanan

... Appellant/Petitioner

Vs.

Ananthi

... Respondent/Respondent

Prayer : Appeal filed under Section 19(1) of the Family Court Act, against the order dated 02.03.2019 made in H.M.O.P.No.371 of 2017 on the file of the Family Court, Sivagangai.

For Petitioner : Mr.V.Muthukamatchi

* * * * *

JUDGMENT

(Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**)

This appeal is directed against the order dated 02.03.2019 made in H.M.O.P.No.371 of 2017 filed by the appellant for grant of decree of divorce on the ground of cruelty under Section 13(1)(i-a) of the Hindu Marriage Act.

2. The marriage between the appellant/husband and the respondent/wifewas solemnised on 02.07.2006 and out of the wedlock, they have two children. The learned Family Court had considered the allegations made by the appellant/husband in the petition and the counter filed by the respondent/wife and examined the oral and documentary evidence which was placed before the Court and held that there is absolutely no evidence to substantiate the allegation of cruelty. The learned Family Court Judge had taken note of various decisions of the Honourable Supreme Court which set out as to how the allegation has to be proved. The Court has observed that mere simple irritation between the spouses and ordinary wear and tear of a matrimonial life is not a cruelty to seek for a divorce. We find that there is no error in the order passed by the learned Family Court Judge, Sivagangai.



3. For the above reasons, this writ appeal fails and the same is dismissed. No costs.

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Sd/-

Assistant Registrar(Crl Side)

// True Copy //

Sub Assistant Registrar(CS)

rsb

To

1.The Family Court,
Sivagangai.

2. The Section Officer,
V.R.Section,Madurai Bench of Madras High Court,
Madurai. (2 copies)

+1CC TO MR.V.MUTHUKAMATCHI, Advocate Sr. No. 90095

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SMV(CO)

TR(14.10.2019) 2P 5C