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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.S.A.Nos.49 and 50 of 2024

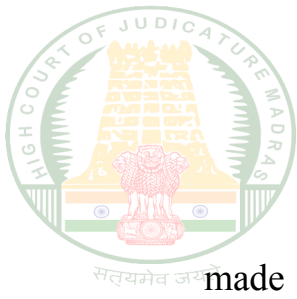
G. Gopikrishnan ... Appellant in both the C.M.S.A

Vs.

R. Kalaiselvi ... Respondent in both the C.M.S.A

PRAYER in C.M.S.A.No.49 of 2024 : Civil Miscellaneous Second Appeal filed under Section 100 of Civil Procedure code to set aside the Judgment and decree dated 08.11.2021 made in C.M.A.No.27 of 2018 on the file of Principal District Judge of Kancheepuram District at Chengalpattu confirming the Judgment and Decree dated 24.08.2018 made in H.M.O.P.No.776 of 2016 on the file of Sub Ordinate Court, Tambaram and dismiss the same by allowing this Civil Miscellaneous Second Appeal.

PRAYER in C.M.S.A.No.50 of 2024 : Civil Miscellaneous Second Appeal filed under Section 100 of Civil Procedure code to set aside the Judgment and decree dated 08.11.2021 made in C.M.A.No.28 of 2018 on the file of Principal District Judge of Kancheepuram District at Chengalpattu confirming the Judgment and Decree dated 24.08.2018



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made in H.M.O.P.No.604 of 2017 on the file of Sub Ordinate Court, Tambaram and dismiss the same by allowing this Civil Miscellaneous Second Appeal.

(In both the appeals)

For Appellant : Mr.R.Sami
For Respondents : Mr.R.P. Rajendran

COMMON JUDGMENT

These appeals have been filed to set aside the Judgment and decree dated 08.11.2021 made in C.M.A.Nos.27 and 28 of 2018 on the file of Principal District Judge of Kancheepuram District at Chengalpattu

2. The brief facts which are necessary to dispose of the appeal is as follows:

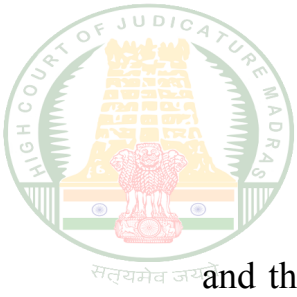
2.1.The marriage between the appellant and the respondent was solemnized on 09.09.2013 at Bodinayakkanur as per Hindu rites and customs. After the marriage the petitioner and the respondent settled their matrimonial home at Mudichur, Tambaram, Chennai which is the own house of the respondent. At the time of marriage, the respondent's father gave 100 sovereign of gold ornaments to the respondent and gifted one car.



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2.2. After the marriage, both their parents and relatives decided to set up separate matrimonial home for the couple at Chennai. Due to the ill health of the husband's father, his parents stay at their home for about 20 days and during their stay, the respondent tortured the husband to an unbearable extent due to which he immediately sent his parents to their residence. Further she insisted to go to her parents residence of Bodi whenever she wants to go. If he denied for his heavy work at his office, the respondent abused the appellant/husband and scolded him with filthy language, made suicide threat. However during the year 2014 the couple were blessed with a boy baby.

2.3. Since there was misunderstanding between them due to the attitude of the respondent, the appellant/husband filed H.M.O.P.Nos. 604/2017 before the Subordinate Judge, Tambaram to dissolve the marriage with the respondent. H.M.O.P.No.776 of 2016 was filed by the respondent/wife for restitution of conjugal rights. Both the H.M.O.Ps was taken together and H.M.O.P.No.776 of 2016 was allowed and H.M.O.P.No.604 of 2017 was dismissed on 24.08.2018. Challenging the same the appellant/husband filed C.M.A.Nos.27 and 28 of 2018 on the file of Principal District Judge of Kancheepuram District at Chengalpattu



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and the same were also dismissed. Aggrieved by the same the appellants has filed the present C.M.S.As.

3. Today when the matter is taken up for hearing, both the appellant/husband and respondent/wife appeared before this Court.

4. The learned counsel for the appellant submitted that the appellant is paying Rs.40,000/- as monthly maintenance to the child nearly for the past 10 years. He further submitted that the respondent taking advantage of the legal right that she is the wife of the appellant, and always giving police complaints and harrasing the appellant. Hence, prays to allow these appeals.

5. The learned counsel for the respondent submitted that the respondent is ready and willing to live with her husband/appellant and would not indulge in any type of activities that would affect the life of both appellant and the child. Hence, prays to dismiss these appeals.

6. Heard both sides and perused the materials available on record.



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7. In view of the above facts and considering the welfare of the child, this Court without going into the merits of the Judgments passed by the Court below passed the following directions:

a. The appellant and the respondent to live separately for a period of two years under Judicial Separation.

b. It is made clear that during the said two years period the appellant and the respondent should not make any unnecessary conversations.

c. The appellant and the respondent should not speak about the family members unnecessarily,

d. The respondent is directed to permit the appellant, if he wants to visit the child.

e. The appellant is directed to pay the maintenance regularly without any default till the two years period.



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f. The respondent is permitted to live in the apartment owned by the appellant in 4-6 Breeze Avenue, Colour Homes, Mahalakshmi Nagar, Varadharajapuram, Mudichur, Tambaram West, Chennai -600 048 during the said two years period or can reside in any rented premises according to her convenient.

8 . With the above observation and directions, these appeals stand disposed of. No order as to costs.

28.07.2025

Index: Yes/No
Speaking/non Speaking order
Neutral Case citation: yes/no

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To

1. The Principal District Judge of Kancheepuram District at Chengalpattu
2. The Sub Ordinate Court, Tambaram
3. The Section Officer, V.R. Section, High Court of Madras.

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T.V.THAMILSELVI, J.

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C.M.S.A.Nos.49 and 50 of 2024

28.07.2025