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C.M.A.No.1340 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2025

CORAM

**THE HONOURABLE MR.JUSTICE DR.G. JAYACHANDRAN
and**

**THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR
C.M.A.No.1340 of 2018**

V.Porkodi

... Appellant(s)

Vs.

G.Subramani

... Respondent(s)

Prayer: Civil Miscellaneous Appeal filed under Section 19 of the Family Court Act, to set aside the judgment and decree dated 15.11.2017 passed by the I Additional Principal Judge, Family Court, Chennai in O.P.No.3014 of 2006.

For Appellant(s) : Mr.S.Vijayanand

For Respondent(s) : Mr.N.Jayachander



J U D G M E N T

(Judgment of the Court was made by **DR.G.JAYACHANDRAN, J.**)

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The marriage between Mr.G.Subramani and Ms.V.Porkodi was solemnized on 05.09.2005 at I.C.F. Golden Jubilee Thirumana Mandapam, Chennai. The marital relationship, however, turned strained, and a son was born to them on 11.08.2006. Alleging cruelty, the husband filed O.P.No.3014 of 2006 after the spouses got separated and were living apart for nearly ten years. In the divorce proceedings, the wife contended that she was ready and willing to resume cohabitation, but she was not permitted to do so. She also levelled allegations of physical harassment and ill-treatment. Both parties were examined, and Exhibits P1 to P3, including proof of marriage and notice from the wife to the husband, were marked.

2. The Family Court, taking note of the fact that the parties had been living separately since 2006 with no sign of reconciliation, and considering the mutual allegations of cruelty, held that there was no possibility of peaceful cohabitation. Relying upon the principles laid down by the Hon'ble Supreme Court in case of "***Samar Ghosh -vs- Jaya Ghosh***" reported in (2007) 4 SCC 511, and considering the long separation and the absence of any possibility of



reunion between the parties, as well as the apprehension of cruelty, the Family Court has dissolved the marriage vide order dated 08.08.2017.

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3. Aggrieved by the said order dated 08.08.2017, the wife preferred the present C.M.A. No.1340 of 2018 before this Court. The appeal has been pending for nearly seven years. Though the matter was referred to mediation, the attempt at reconciliation did not fructify. When the case was taken up for final hearing, there was again heated exchange of allegations through counsel. The fact remains that the marriage solemnized on 05.09.2005 came to an end shortly after one year. Immediately thereafter, the husband filed the Divorce Petition, but it took about eleven years for the Family Court to pass its final order. Aggrieved by the said order, the wife approached this Court by filing C.M.A.No.1340 of 2018 before the Hon'ble High Court. Even thereafter, nearly seven more years have passed. In total, more than fifteen years have gone by, yet there is no sign of reunion or any intention to forgive and forget.

4. In such circumstances, we are of the view that the marriage has irretrievably broken down and reached a point of no return. Hence, the decree of divorce granted by the Family Court is confirmed, and the Civil Miscellaneous Appeal stands dismissed. If the appellant or her son has any



other legal right or claim against the respondent, the dismissal of this appeal shall not preclude them from working out their remedy in the manner known to law. No costs.

(Dr.G.J.,J.) (M.S.K.,J.)
17.10.2025

skr
Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No

To

I Additional Principal Judge,
Family Court, Chennai.



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