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CMA No. 899 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 899 of 2022

AND

CMP NO. 6678 OF 2022

Y.Jeevabharathi

D/o. Late D.Yessian, P2F5, R.R. All

Seasons Aparments, Olymbus,

Ramanathapuram, Coimbatore.

Appellant(s)

Vs

D.Stanly Prince

S/o. S.Devanbu, No.2/170-G, Prince

Cottage, R.S.Puram, Ponkupalayam

Pot, Tiruppur.

Respondent(s)

PRAYER

To set aside the order dated 13-12-2021 passed in O.P.No. 17 of 2012 by the Principal District Judge, Tirupur.

For Appellant(s): Ms.S.R.Shenbagabanu

For Respondent(s): Mr.R.T.Vijayaraghavan



JUDGMENT

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The appellant herein is the respondent in I.D.O.P.No. 17 of 2012 filed by the respondent husband herein for the relief of divorce on the ground of Sec.10(i)(x) of Indian Divorce Act to dissolve the marriage solemnised between them on 21.11.2008 at CSI Hold Redeemer's Church, Pichayampalayam Pudur, (Duraishwampuram), Tiruppur on the ground of cruelty.

2. The appellant contested the case stating that she has not committed any cruelty. On hearing both sides, the trial judge held that by giving vexatious complaint against her husband, due to which all were dragged to police station and harassed, which would also amount to cruelty. Accordingly, the divorce petition was allowed along with permanent alimony of Rs.5,00,000/- was ordered. The appellant wife accepted the divorce granted by the trial court, but challenging the permanent alimony awarded by the trial court, she preferred this Civil Miscellaneous Appeal.



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3. Before the trial court, she has not appeared and examined herself as a witness for the reason that she was unwell, so she is not able to appear before the court. Furthermore, the learned counsel for appellant had pointed out his false allegation that the appellant went to the office of respondent and abused him and also gave a false complaint against his parents as if they have harassed. He has also pointed out that during the pending of divorce proceedings, the respondent has not paid any interim maintenance, but the same was not appreciated by the trial court and also the permanent alimony awarded by the trial court is very meagre without considering the economic status of respondent. Therefore, he prayed to set aside the findings of trial judge.

4. Per contra, the learned counsel for respondent husband replied that before the trial court, she was not examined herself as a witness only with an intention to drag on the proceedings, thereby she has no locus standi to challenge the order passed by the trial judge by preferring this appeal.

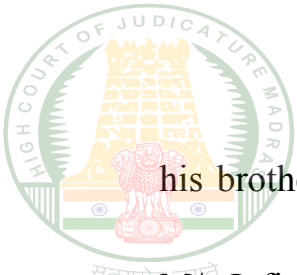
5. Heard and considered rival submissions made on either side and perused the materials available on record.



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6. Admittedly, though the appellant wife had cross-examined, she has not entered into witness box. Therefore, the evidence was closed and the trial judge proceeded further and on satisfying the evidence adduced on the side of respondent, the trial judge granted divorce. It is also an admitted fact that the appellant is an advocate by profession, inspite of that, she is not inclined to enter into the witness box. Therefore, the decree passed by the trial judge by dissolving marriage by relying the evidence of P.W.3 as such needs no interference. Moreover, while allowing the divorce petition, the trial judge has awarded a sum of Rs.5,00,000/- as permanent alimony.

7. The learned counsel for appellant would argues that the respondent husband and his family members having owned several immovable properties in and around Tiruppur and they have developed and making house sites and sold the same for huge amount, but the trial judge without any evidence fixed a sum of Rs.5,00,000/- as permanent alimony as such is erroneous one and not acceptable one and sought for enhancement of permanent alimony. During the argument, the respondent produced document showing that the Gym was run by



his brother and not by himself and also produced a Registration Certificate of

M/s.Jofina Promoters, real estate business stands in the name of his brother and

also contended that he is residing in the rental apartment and doing electrical work for daily wages. But, admittedly, the property stands in the name of mother and the same was now developed and converted into house plots under the name and style of Vasuki Garden and the same was also not denied by the respondent, however, there is a Gym belong to his brother. To evade the maintenance and the permanent alimony, he conspired with his family members and doing real estate business and earned considerably and also he is having properties in the name of his family members.

8. Considering his submissions and taking note of family background as well as the properties owned by family members and the economic status of respondent, this Court is inclined to enhance a sum of Rs.25 lakhs as permanent alimony, which is ordered to be paid within a period of eight weeks from the date of receipt of copy of this judgment, failing which the appellant is entitled to initiate execution proceedings as per manner known to law. Accordingly, this



Civil Miscellaneous Appeal is partly allowed and with regard to the findings of divorce ordered by the trial court is confirmed. With regard to payment of permanent alimony, it is modified and ordered to pay a sum of Rs.25 lakhs, since he is doing real estate business, to that effect, the learned counsel produced the photocopy of advertisement made in the website as well as properties rented out by them. No costs. Consequently, the connected Civil Miscellaneous Petition is closed. Eight weeks time to pay the amount.

29-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Principal District Judge, Tiruppur.

2. Section Officer, VR Section, Madras High Court.



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T.V.THAMILSELVI J.

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