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CMSA No. 49 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMSA No. 49 of 2025

AND

CMP NO. 17540 OF 2025

1. D.Dhanasekaran

S/o. late Durai, No.4, R.M.Nagar,
Nathapettai, Kanchipuram.

Appellant(s)

Vs

1. P. Karthiga

W/o. D. Dhanasekaran, No.17,
Kannadasan Street, West Banu Nagar,
Ambattur, Chennai - 053.

Respondent(s)

CMSA No. 49 of 2025

PRAYER

To set aside the decree and judgment passed in CMA No.13 of 2023 dated 23.04.2025 on the file of III Additional District Judge, Tiruvallur at Poonamallee, confirming the judgment and decree passed in HMOP No.427/2023 on the file of Subordinate Court Ambattur dated 05.09.2023 and allow the above said appeal.

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For Appellant(s): Mr.G.Palani

For Respondent(s): Ms.N.K. Kanthimathi

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JUDGEMENT

This Civil Miscellaneous Appeal has been filed to set aside the decree and judgment passed in CMA No.13 of 2023 dated 23.04.2025 on the file of III Additional District Judge, Tiruvallur at Poonamallee, confirming the judgment and decree passed in HMOP No.427/2023 on the file of Subordinate Court Ambattur dated 05.09.2023.

2. The respondent herein/wife filed HMOP No.427/2023 on the file of Subordinate Court, Ambattur, to dissolve the marriage solemnized between the petitioner and the respondent on 23.06.2019 at Thulasi Mahal, Chengalpet Road, Kanchipuram by a decree of divorce on the ground of cruelty. After considering the oral and documentary evidence, the Subordinate Judge, Ambattur, declared that the marriage solemnized between the petitioner and respondent on 23.06.2019 was dissolved on the ground of cruelty. Challenging the same, the husband filed the appeal before the III Additional District Judge, Tiruvallur, Poonamallee, who independently analysed the oral and documentary

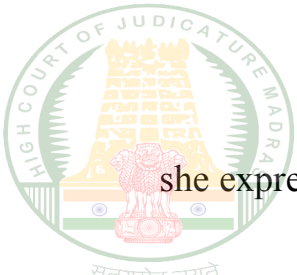


evidence, dismissed the appeal by confirming the findings of the Subordinate Court, Ambattur. Challenging the same, the husband filed this appeal.

3. Both parties along with their respective counsels appeared before this Court.

4. The appellant/husband submits that he has not ill treated the respondent/wife at any point of time while they were living she used to go to her father's house and one day same was objected by him for her safety but she filed the petition as if he committed cruelty. Even some times he used to pacify her but she has not inclined to live with him. However, now he always ready for reunion ignoring all the allegations levelled against him. Hence, he prayed for reunion and inclined to live with her and as well as he suggested for counselling. Further, he expressed before the Court that even he would take care of her parents leaving his mother. Therefore, he insisted to restore the conjugal rights.

5. The respondent/wife submits that she is MBA graduate, working in the Private Software Company, she is not inclined to re-union with the husband nor inclined to live with him and a she prayed to dissolve the marriage. Further,



she expressed that she would not claim any alimony from the appellant she only wants to dissolve the marriage. They have no issues.

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6. Even after that appellant/husband insisted for re-union but the wife is not inclined to live with him and she want dissolution of marriage, which shows that the relationship between the parties more particularly with regard to the respondent relationship is strained and became irretrievably broken down. However, the counsel for the appellant/husband submits that allegations levelled against her husband is not sustainable for the reason that it is used to happen in all the families between the husband and wife but the learned counsel for the respondent objected the same. Both the appellant/husband and respondent/wife are at the age of 40 and 32 years and there is a better chance for other life. However, the relationship between them is irretrievably broken down on that ground this Court is inclined to dissolve the marriage by granting divorce in favour of the respondent/wife. It is recorded that as admitted by the wife, in future she is not going to ask any claim or level allegation against the husband. Therefore, without considering the allegations levelled against each other the marriage between them is irretrievably broken down. Thereby, the marriage



solemnized between the appellant and the respondent dated 23.06.2016 is

ordered to be dissolved. Accordingly, this Civil Miscellaneous Appeal is dispose

of. No Costs. Pending petition(s), if any, is/are closed.

30-07-2025

pbl

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The III Additional District Judge, Tiruvallur at Poonamallee.
2. The Subordinate Court Ambattur
3. The Section officer, V.R Section, High Court, Madras.



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