



Rev.Appln.No.154 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:10.12.2025

CORAM:

THE HON'BLE Mr.JUSTICE **R.SURESH KUMAR**
AND
THE HON'BLE Mr.JUSTICE **P.DHANABAL**

Review Application No.154 of 2025 in
C.M.A.No.448 of 2019

Vinod

... Review Applicant

Vs

Tamilarasi

...Respondent

Prayer :

The Review Application filed under Order 47 Rule 1 r/w Section 114 of Civil Procedure Code to review the order dated 01.08.2025 passed in C.M.A.No.448 of 2019.

For Review Applicant : Mr.B.Vijay for
Mr.M.R.Kuyilan

For Respondent : No appearance

ORDER

(Order of the Court was made by P.DHANABAL,J.,)

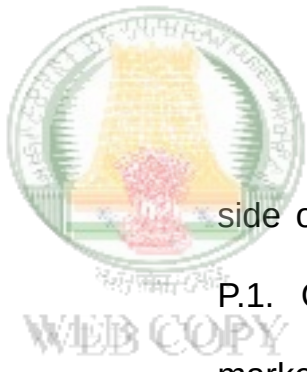
This Review Application has been filed by the applicant / husband to review the order passed by this Court in C.M.A.No.448 of 2019 dated 01.08.2025.



Rev.Appln.No.154 of 2025

2. The learned counsel appearing for the review applicant would submit as follows:-

(i) The Review Applicant is the husband and the respondent is the wife of the Review Applicant and their marriage was solemnised on 28.05.2014 at Trichy, thereafter, due to misunderstanding, a matrimonial dispute had arisen between them. The respondent / wife caused cruelty towards the applicant and she used to send messages and speak with one third party, when the same was questioned by the applicant, the respondent used to pickup quarrel with him. The respondent very often threatened to commit suicide and on 26.11.2015 attempted to commit suicide. On 12.12.2015, the respondent was chatting with the said person and when the same was questioned, she stated that she could speak as her wish and the applicant cannot question the same and thereafter, she left the matrimonial home on 28.02.2016 without any valid reasons. When the applicant approached the parents of the respondent, the respondent along with her parents threatened the applicant to lodge a complaint, as if the applicant abused her with caste name and also abused the applicant with filthy language and therefore, committed cruelty, thereby filed a petition seeking divorce in H.M.O.P.No.38 of 2010 on the file of Sub Court, Ariyalur. Thereafter, the said petition has been transferred to the Family Court, Ariyalur in FC.H.M.O.P.No.40 of 2017. Before the Family Court, Ariyalur, on the



Rev.Appln.No.154 of 2025

side of the applicant, he was examined as P.W.1 and marked Exhibit

P.1. On the side of the respondent, she was examined as R.W.1 and marked Exhibits Ex.R.1 to R.6 and the Family Court, Ariyalur has dismissed the petition. Aggrieved by the said Judgment and decretal order, the applicant has preferred an appeal before this Court in C.M.A.No.448 of 2019.

(ii) During the pendency of the said appeal, both the parties entered into compromise and as per the said compromise, the respondent received a sum of Rs.25 Lakhs through Demand Draft, agreed to withdraw all the pending proceedings and also agreed to grant decree of divorce and stated that she has no objection to grant divorce by setting aside order passed in FC.H.M.O.P.No.40 of 2017 dated 15.11.2018. The said compromise memo was filed before this Court and thereafter, this Court, passed an order dated 01.08.2025 by recording the compromise memo and permitted the parties to approach the trial court by filing petition under Section 13B of the Hindu Marriage Act and on the said application directed the parties to seek waiver for six months statutory period provided under the Act. After receipt of amount of Rs.25 Lakhs, signing the compromise memo and after consented for decree of divorce, the respondent is not co-operating for filing an application under Section 13B of Hindu Marriage Act. When



Rev.Appln.No.154 of 2025

the parties agreed for dissolution of marriage by setting aside the decree and judgment passed by the trial court and consented for grant of divorce, this Court passed an order by directing the parties to approach the trial court under Section 13B of Hindu Marriage Act, and now the respondent has refused to sign the application for mutual consent of divorce, hence the petitioner filed this Review Application to review the order passed by this Court.

(iii) Further, the learned counsel for the petitioner submits that if this Court is not inclined to set aside the order of the Family Court, Ariyalur, based on the compromise, prayed this Court to pass orders on merits. Even on merits, the petitioner has proved his case that the respondent caused cruelty, however, the Family Court failed to consider the evidence in a proper perspective manner and erroneously dismissed the petition and therefore, prayed to allow this Review Application.

3. Heard the learned counsel appearing for the petitioner and perused the evidences, exhibits and the entire documents placed on record.



Rev.Appln.No.154 of 2025

4. This Court vide order dated 08.10.2025 issued notice to the respondent and even after notice was served on the respondent and her name being printed in the cause list, there is no representation for the respondent either through learned counsel or in-person, therefore this Court heard the learned counsel for the petitioner and inclined to pass orders with the available records.

5. In this case, the Review Applicant has filed the petition before the Family Court, Ariyalur to dissolve marriage between the Review Applicant and the respondent on the ground of cruelty, there is no dispute in respect of the marriage between the parties and after the marriage, a child, namely, Jeevitha was also born to them and the said minor child is under the care and custody of the respondent. The trial court dismissed the petition filed by the petitioner for divorce on the ground of cruelty. Aggrieved by the said fair and decreetal order, the petitioner/ husband preferred an appeal before this Court and during the pendency of the appeal, the matter has been compromised between the parties. In the compromise memo, all the parties agreed to dissolve the marriage by consent, therefore, this Court, by recording the said compromise, directed the parties to approach the trial court by way of filing proper application under Section 13B of the Hindu Marriage Act. Now, the petitioner has filed this Review Application on the ground that



Rev.Appln.No.154 of 2025

the respondent is not co-operating by signing the papers for divorce on mutual consent and even after receipt of notice and name being printed in the cause list, the respondent failed to appear before this Court, either in-person or through learned counsel.

7. It is pertinent to point out that once the respondent received the money of Rs.25 Lakhs from the review applicant and agreed for grant of divorce on mutual consent, she has to co-operate for the mutual consent for divorce, as directed by this Court and as per the compromise, which was entered between the petitioner and the respondent, but the respondent failed to do so. Further, as far as the consent decree is concerned, even though the parties admitted for consent decree, as per Section 13B of the Hindu Marriage Act, they have to approach the trial court, but the respondent is not ready to co-operate for mutual consent of divorce and hence, necessity has arisen to this Court to pass orders on merits.

8. On a careful perusal of the entire documents placed on record, it is seen that the review applicant has filed a petition for divorce on the ground of cruelty. According to the review applicant, the respondent had made threats to commit suicide and also on 26.11.2015, she attempted to commit suicide by way of hanging through the rope and



Rev.Appln.No.154 of 2025

the review applicant rescued her. Further, P.W.1 in his evidence categorically stated about the phone calls made by the respondent to the third party, when the same was questioned by the review applicant, the respondent ill-treated the petitioner and had caused mental agony to him. Even in the cross examination of P.W.1, the respondent has not specifically denied the said allegations levelled against the respondent in respect of the cruelty. That apart, it is admitted fact that the respondent filed numerous cases including domestic violence cases and lodged complaint against the review applicant. The filing of the above said cases would clearly show the intention of the respondent and only to harass the applicant, the complaints have been lodged. Thereby the cruelty has been established by the petitioner in the main petition. Further, the petitioner also established that the respondent very often used to speak with 3rd person through phone, when the same was questioned by the petitioner, the respondent left the matrimonial home. The said evidence of P.W.1 has not been denied through rebuttal evidence, therefore the act of speaking with 3rd party over phone despite the several warnings given by the petitioner amounts to cruelty. Further, the P.W.1 in his evidence stated that the respondent threatened to commit to suicide and also threatened to mix poison in the food, the said acts of the respondent would cause mental cruelty.



Rev.Appln.No.154 of 2025

9. The trial court came to the conclusion that cruelty has not been proved, as there is no evidence to prove the cruelty. The trial court has not considered the oral evidence of P.W.1 and the evidence of P.W.1 is sufficient to prove the ground of cruelty. When the respondent has not specifically denied the above said allegations made by the applicant, the trial court had come to an erroneous conclusion and therefore, the findings of the trial court that the cruelty has not been proved is unsustainable and is liable to be set aside and the decree and judgment passed by the trial court is set aside and the applicant has proved the cruelty caused by the respondent, thereby the applicant is entitled to the relief of divorce.

In the result, the Review application is allowed and the marriage solemnised between the petitioner and the respondent on 28.05.2014 is hereby dissolved by granting decree of divorce on the ground of cruelty. No costs.

(R.S.K., J.)

(P.D.B., J.)

10.12.2025

Index: Yes/No
Internet: Yes / No
ssd

To

The Judge,
Family Court,
Ariyalur



Rev.Appln.No.154 of 2025

**R.SURESH KUMAR, J.
AND
P.DHANABAL, J.**

ssd

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