



C.M.A.No.335 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2026

CORAM

THE HONOURABLE MR . JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

**C.M.A.No.335 of 2026
& C.M.P.No.3972 of 2026**

M.Senthil

... Appellant

Versus

G.Amuthapriya

... Proforma Respondent

Civil Miscellaneous Appeal filed under Section 19 of the Family Court Act to set aside the order dated 17.11.2025 in O.P.No.2088 of 2025 on the file of V Additional Family Court, Chennai insofar as point 10 at pages 6 and 7.

For Appellant : Mr.T.Mohan
Senior counsel
for Ms.Shyaamala

For Respondent : Mr.M.Aswath Narendiran



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JUDGMENT

(Judgment of the Court was made by **N.SATHISH KUMAR, J.**)

Challenging the order of family Court directing the District Collector to conduct enquiry with regard to the alleged payment made by the appellant to the respondent/wife, the present appeal has been filed.

2. The brief facts leading to the filing of this appeal is as follows:

The appellant and his wife have filed a petition under Section 13B of the Hindu Marriage Act for dissolving the marriage between them by mutual consent as there were some irreconcilable differences. It is stated that husband has paid a sum of Rs.1 Crore and also released 50% of share in a flat. While allowing the application, learned judge has stated that since the appellant is a Tahsildar, he could not have had such huge amount to pay the amount and therefore, directed the authorities to conduct enquiry under the Government Servant Conduct Rules. Challenging the said finding, the present appeal has been filed.

3. Heard the learned Senior counsel for the appellant and the learned counsel for the respondent.



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4. Admittedly, the divorce has been obtained by mutual consent.

Merely because some huge amount has been paid, it cannot be a ground to say that the appellant has paid the amount which he received by way of illegal gratification. It is for the concerned Department to venture into such dispute and take action. Merely because one was working as a Government servant it cannot be said that he could not mobilize fund. The appellant could have mobilized funds by borrowing or by selling ancestral property or other family properties etc., As long as there is no dispute raised by the Department in which he is working, we are of the view that the observation of the family Court directing the authorities to initiate action is unwarranted.

Accordingly, this Civil Miscellaneous Appeal is allowed and the finding of V Additional Family Court, Chennai at Paragraph 10 of its order dated 17.11.2025 is expunged. Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs.

[N.S.K.,J.] [R.S.V.,J.]
16.02.2026

Index: Yes/No
Neutral Citation: Yes/No
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AND
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To

V Additional Principal Judge
Chennai

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