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IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 11.06.2026**

CORAM:

**THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN  
AND  
THE HON'BLE MR.JUSTICE K.RAJASEKAR**

**CMA No. 298 of 2024  
And  
C.M.P.No. 3328 of 2024**

Mrs.D.Aarthi  
W/o. Thiru. N.Padmakumar ... Appellant/Respondent

**Vs**

N.Padmakumar  
S/o. Thiru. Nandakumar ... Respondent/Petitioner

**Prayer:** Civil Miscellaneous Appeal filed under Section 19(1) of the Family Court Act 1984 against the order and decreetal order dated 28.12.2023 made in F.C.O.P.No. 295 of 2021 by the Family Court, Chengalpet.

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For Appellant : Mr.P.Devakumaran

For Respondent : Mr.J. Elendevan

**J U D G M E N T**



(Order of the Court was made by **C.V. KARTHIKEYAN, J.**)

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The respondent in F.C.O.P.No. 295 of 2021 on the file of the Family Court, Chengalpet, aggrieved by the Judgment dated 28.12.2023 by which Judgment dissolution of marriage on the ground of cruelty was granted by the Family Court has filed the present Appeal.

2. The appellant is the wife and the respondent is the husband. The respondent filed a petition under Section 13(1)(i-a) of Hindu Marriage Act, 1955 seeking dissolution of marriage solemnised between him and the appellant on 01.09.2019, to be dissolved on the ground of cruelty. In his petition, he had stated that immediately after the marriage, the appellant herein had stated that she would like to live separately and she does not like the concept of joint family. It was further stated that she had given the money which she had received under the Provident Fund Scheme owing to her previous employment to her father. He had further contended that the appellant herein would determine what expenses should be made. It was further contended that she did not move well with his family members. It was further stated that she did not assist the family of the respondent



financially. It was further stated that she threatened that she would give a criminal complaint against the respondent and send him to jail. She did not cook food and she did not do household work and if he brought food from outside, she did not serve the food for him. It was further contended that she took away his entire salary and kept it for herself. It was stated that all these acts created tension and mental agony and were acts of cruelty. The respondent thus filed the petition seeking divorce.

3. The appellant resisted the petition, stating that she had resigned from her job prior to the marriage. She further stated that she had given her provident fund amount to her father, who was medically unwell. She maintained that she was always willing to reside with the respondent and had never threatened to lodge a police complaint against him. Additionally, she stated that on 17.09.2020, the respondent had taken her to her house at Chennai but instead of dropping her in the house, dropped her in the road and simply left. She had been residing with her parents on and from that date. She resisted the divorce petition and claimed that she is always ready to live with him.

4. The Family Court, on the basis of the above pleadings framed one point for consideration, namely, whether the respondent was entitled for



grant of decree of dissolution of marriage. On the side of the respondent, he examined himself as PW-1 and marked Exs. P-1 to P-7. The appellant examined herself as RW-1 and also examined another witness as RW-2. The learned Family Court Judge on examination of the evidence adduced had once again in the order extracted the entire petition, extracted the entire counter and thereafter extracted the entire evidence. The written arguments had also been filed by the parties and the learned Judge also extracted the entire written arguments. They were repetitions of what had been stated in the petition and counter by the respective parties.

5. It is to be noted that allegations could be stated but it is imperative that such allegations are proved in manner known to law. They should be established by oral and documentary evidence. There must be credible evidence adduced to corroborate the allegations. Mere statements are not sufficient to hold that the allegations have been proved. They only remain as statements. To convert them as evidence, there must be proof. The allegations should also be genuine. If they are not proved they only remain as statements. Their veracity can never be accepted as proved.

6. After extracting the evidence in entirety and the written arguments in entirety, the learned Judge held that the appellant had left the house without intimating him. The specific allegation of the appellant was that the



respondent dropped her in the middle of the road on 17.09.2020 and left her.

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It was also mentioned by the learned Judge that she threatened to lodge a complaint regarding dowry harrasment. Again, this was not a specific allegation raised in the petition by the respondent. It had been further stated by the learned Judge that the appellant insisted that the respondent should stay in her parent's house. This again, was not a ground raised by the respondent in his petition. Finally, the learned Judge had held that for “whatever be the reasons”, the marriage had broken down. The learned Judge therefore came to a conclusion that the parties “can no longer live together as husband and wife”. It had been further stated that owing to all these aspects, the appellant had committed cruelty and had also “deserted” the respondent. It is significant to note that the petition had not been filed under the ground of desertion but only on the ground of cruelty.

7. Heard the arguments advanced by the learned counsel for the appellant and the learned counsel for the respondent.

8. Both the learned counsels stated the facts of the case. The allegation of the respondent is that the appellant did not give her monthly salary for the family expenses. However, admittedly she had resigned her

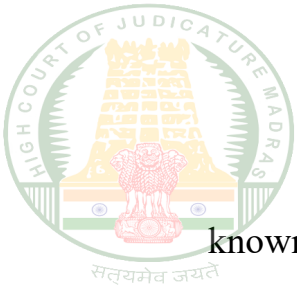


job even before the marriage. It was then stated that the appellant did not like living in a joint family. The respondent had further stated that she did not cook food for him and even when he purchased food from outside, she did not serve him.

9. We hold these are only scratches in the marital life. It is required that the parties act with more responsibility. They have entered into a marital relationship. They should have snured that small disturbances do not affect their future life.

10. All allegations raised by the respondent have been denied by the appellant. She also very specifically stated that thought she wrote competitive examine, her mother-in-law prevented her from going to work. The allegation that she did not give money towards the family expenses can not be accepted and cannot be stated as being a true allegation.

11. The learned Judge had further stated that “what ever be the reasons”, the marriage had broken down. We hold that that was an extremely unfortunate statement made without any basis. There must be specific allegations of cruelty and they must be established in manner



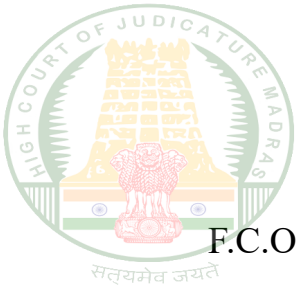
known to law and proved in manner known to law. Allegation of cruelty is a serious issue and if a dissolution is to be granted on the ground of cruelty, then care should be taken that the said allegations are proved and established cogently through oral and documentary evidence. Mere statements can never establish a fact.

12. The parties are still of an impermissible age. The appellant is aged 28 years and the respondent is aged 32 years. We hold that it would only be appropriate that further opportunity is granted to them to work out their life for a better future. We are not inclined to accept the reasons given by the learned trial Judge. The allegations are superficial in nature.

**C.V.KARTHIKEYAN, J.**  
**And**  
**K.RAJASEKAR, J.**

vsg

13. The order and decretal order dated 28.12.2023 made in F.C.O.P.No. 295 of 2021 by the Family Court, Chengalpet are set aside and



F.C.O.P.No. 295 of 2021 stands dismissed. The Civil Miscellaneous Appeal stands allowed. No costs. Consequently, connected Civil Miscellaneous Petition stands closed.

**(C.V.K.,J.) (K.R.S.,J.)**  
**11-06-2026**

Index: Yes / No  
Speaking / Non-Speaking order  
vsg

To

Family Court, Chengalpet.

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