Order QR

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

AND

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

CMA No. 2420 of 2022

CNR:{HCMA010302942022}

AND

CMP NO. 18912 OF 2022

N.Baskaran,
S/O. Nagarajan

..Appellant(s)

Vs

1. S.Vennila,
   D/o Sundram,
   W/O. Baskaran.

2. Kannan,
   S/O Perumal.

..Respondent(s)

Prayer: Civil Miscellaneous Appeal filed under Section 19 of the Family Court Act, to set aside the order and decretal order dated 09.11.2021 made in H.M.O.P. No.01 of 2019 on the file of the learned Family Judge, Dharmapuri.

For Appellant(s): Mr.S.Ajitha
for Mr. V.R.Annagandhi

For Respondent(s): Mrs.S.Jothivani for R1
Mr.P.Kannan for R2

https://www.mhc.tn.gov.in/judis

Order QR

WEB COPY

Judgment

(Judgment of the Court was delivered by M.Dhandapani J.)

The appellant/husband has filed the divorce petition under Section 13(1) (ia) of the Hindu Marriage Act, seeking dissolution of the marriage on the ground of cruelty and the alleged adulterous relationship of the first respondent/wife with the second respondent. The Family Court, Dharmapuri, vide order dated 09.11.2021 dismissed the divorce petition. Challenging the said order dated 09.11.2021, this appeal has been filed.

2. The marriage between the appellant and the first respondent was solemnised on 16.10.1994. Out of the wedlock, two female children, namely, Ishwarya and Soundarya, were born in the years 1997 and 2003 respectively. According to the appellant, during 1997, he and his daughters came to know that the first respondent was having an illicit relationship with the second respondent. On the said allegation, the appellant sought dissolution of the marriage.

3. Learned counsel for the appellant submitted that, in order to establish the alleged illicit relationship between the respondents 1 and 2, the elder daughter of the appellant and the first respondent was examined as PW2. She had categorically deposed about the alleged relationship between the first and second respondents and stated that they were living under the same roof. However, the Family Court, without properly appreciating the evidence of

https://www.mhc.tn.gov.in/judis

WEB COPY

PW2, dismissed the divorce petition on the ground that there was no other supporting material to substantiate the allegation. In view of the above, the learned counsel submitted that the finding of the Family Court warrants interference by this Court.

4. Per contra, the learned counsel for the first respondent submitted that the appellant and the first respondent lived together and were blessed with two daughters, namely, Ishwarya and Soundarya. The elder daughter, Ishwarya, married the appellant's sister's son, which was objected to by the first respondent. Due to the said matrimonial dispute, the elder daughter developed differences with the first respondent and made allegations against her. She further submitted that the allegation of adultery has not been established by any reliable evidence before the Family Court. Mere allegations made by the elder daughter, without any other convincing material to substantiate the same, cannot be a ground for granting divorce. Therefore, the Family Court rightly dismissed the divorce petition and the same does not warrant any interference by this Court.

5. This Court has considered the rival submissions made by learned counsel on either side and perused the materials available on record.

6. The marriage between the appellant and the first respondent and the birth of their two daughters are not in dispute. The principal allegation made by the appellant is that the first respondent was having an illicit relationship with

https://www.mhc.tn.gov.in/judis

WEB COPY

the second respondent, whereas they are stated to be colleagues. It is settled law that an allegation of adultery can be established through circumstantial evidence. However, the circumstances relied upon must be cogent and convincing and must establish the alleged relationship. Mere suspicion or an allegation, by itself, would not be sufficient to grant a decree of divorce.

7. In the present case, the appellant has relied upon the evidence of PW2, the elder daughter, to substantiate the allegation. Though PW2 has spoken about the alleged relationship between the respondents 1 and 2, the Family Court, upon appreciation of the evidence, found that the said testimony was not supported by other convincing circumstances or materials to establish the allegation of adultery.

8. Further, the explanation offered by the respondents regarding the matrimonial differences between the first respondent and her elder daughter, particularly in the background of the daughter's marriage, cannot be completely ignored while appreciating the evidence.

9. This Court finds no sufficient reason to hold that the Family Court has misappreciated the evidence or arrived at a perverse conclusion. The appellant has failed to establish the alleged adulterous relationship by acceptable evidence. Consequently, the ground urged for dissolution of the marriage has not been made out.

https://www.mhc.tn.gov.in/judis

WEB COPY

10. In view of the above, this Court is of the considered view that the judgment and decree passed in H.M.O.P. No.01 of 2019 by the Family Court, Dharmapuri do not warrant any interference.

11. In the result, the Civil Miscellaneous Appeal stands dismissed, confirming the judgment and decree dated 09.11.2021 passed in H.M.O.P. No.01 of 2019 by the Family Court, Dharmapuri. No costs. Consequently, connected Miscellaneous Petition is closed.

(M.D.I.,J.) (A.D.M.C.,J.)
27-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

VSI-2

To

1.The Family Judge,
Dharmapuri.

2.The Section Officer,
V.R. Section,
Madras High Court.

https://www.mhc.tn.gov.in/judis

WEB COPY

M.DHANDAPANI J.
AND
DR.A.D.MARIA CLETE J.

VSI-2

CMA No. 2420 of 2022
AND
CMP NO. 18912 OF 2022

27-10-2026

https://www.mhc.tn.gov.in/judis