



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-04-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR JUSTICE K. RAJASEKAR

CMA No. 554 of 2023

S.Ranjini

..Appellant(s)

Vs

Somu Jayachandran

..Respondent(s)

This appeal filed under Section 28 of the Hindu Marriage Act, 1955 r/w Section 19 of the Family Court Act, 1984 to set aside the fair and decretal order dated 22-11-2022 passed in HMOP No.208 of 2020 on the file of the Family Court, Tiruvannamalai.

For Appellant(s): Mr.G.RM.Palaniappan

For Respondent(s): Mr.K.Venkatasubban
For M/S.Sarvabhauman Associates

JUDGMENT

(Judgment of the Court was delivered by C.V.Karthikeyan J.)

The appellant herein was the petitioner in HMOP No.208 of 2020 on the file of the Family Court, Tiruvannamalai, which had been filed under Section



13(1)(i-a) of the Hindu Marriage Act, 1955 seeking to dissolve the marriage solemnized between the appellant and the respondent on 24.05.2004.

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2.In that petition, by order dated 22.11.2022, the Family Court, Tiruvannamalai, had dismissed the said petition, necessitating filing of the appeal. In the said petition, the appellant had stated that she and the respondent had fallen in love and had got married against the wishes of the elders on 24.05.2004 and the marriage was registered in the Sub-Registrar Office – I, Tiruvannamalai. She had further stated that the respondent used to drink heavily and create ruckus. It was stated that two sons were born. The first son was born on 11.06.2006 and the second son was born on 18.02.2009.

3.It was also stated that the father of the respondent under went eye surgery and at that time, when the appellant was nursing him, the father of the respondent misbehaved with her and had made sexual advances. It was stated that she had protested about, but the respondent did not take any notice of the same and advised her to bear with his father. It was also contended that the respondent used to see porn movies and asked her to behave like that. Thereafter, the appellant left the matrimonial house along with the second son on 18.10.2018. It is contended that she suffered severe depression and caused a notice to be issued on 29.11.2018 to the respondent seeking dissolution of the marriage. A reply was issued on 09.12.2018 denying and disputing the



allegations made. It was under those circumstances that the appellant had filed the petition seeking divorce.

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4.The respondent in his counter affidavit had denied all these allegations. He denied specifically that his father misbehaved with the appellant and made sexual advances. He also stated that the appellant did not bring any jewels or cash with her. The marriage expenses were borne by the respondent. He had also educated her and she completed her Diploma in Teacher Training and degree in B.A., and thereafter also completed her B.Ed., course. She was also able to obtain Government job on 04.01.2010 as Secondary Grade Teacher. It was stated that she went to her mother's sister's house for the first pregnancy. She was driven out from the house. Her family did not accept the marriage, since the respondent was a Dalit. It was further stated that she used to pick up quarrels on petty matters. It was further stated that she took part-time business and was selling small items. He also alleged that she used to get messages in her phone at odd hours. He further stated that in May 2018, he took her and the children to Esha Yoga, Black Thunder and Ooty and after they came back, the appellant went to her mother's house along with the second son. She left the matrimonial house on 03.10.2018. Thereafter, on 05.10.2018 she entered into the house and locked herself in the room. She then admitted the second son in a school at Udumalaipet and thereafter, she again left the matrimonial home on 18.10.2018 leaving behind the first son. She then relocated herself in Seshathri



Ashram. She sought divorce by mutual consent. Thereafter, notices had been exchanged between the parties. He denied that he had sexually harassed her or that his father had also sexually abused at the time when she nursing his father. He further stated that he had purchased a house in her name and was paying monthly instalment of Rs.21,595/- per month for housing loan which was deducted from his salary. He sought dismissal of the petition.

5. During trial two witnesses were examined on the side of the appellant and Exs.P1 to P9 were marked. On the side of the respondent, he examined himself as RW-1 and marked Exs.R1 to R4.

6. In the order, the learned Trial Judge had placed reliance on the admission of the appellant that at the time of marriage, she had completed her Diploma in Teacher Training and later, after marriage had completed her degree in B.A., and also B.Ed., course and that the respondent had encouraged her in such studies and that on 04.01.2010, she had obtained Government job as a Secondary Grade Teacher. Noting all these points, the learned trial Judge noted that she had left the matrimonial home on 05.10.2018 along with the second son. It had been stated that the respondent had taken every effort in securing a job for the appellant and in securing a house for her and that the appellant did not establish ground seeking divorce and accordingly, had dismissed the petition.



7. The learned counsel for the appellant pointed out that there had been specific allegations that when the father of the respondent underwent eye surgery, the appellant had taken care of him and at that time, the father of the respondent had sexually abused her. The learned counsel stated that this aspect had not been referred to in the order at all. The learned counsel further pointed out that the respondent was in the habit of drinking alcohol and used to come home under influence and this very specific allegation had been raised even in the notice and this point had also not been referred to in the order of the trial Court.

8. The learned counsel argued that unable to bear the behaviour of the respondent, the appellant had taken a decision to move away from the matrimonial home with the younger son. She was prevented from taking away the elder son. The learned counsel stated that these allegations were serious and should have been considered by the trial Court and therefore urged that the Court should set aside the order of the trial Court and grant divorce on the ground of cruelty.

9. The learned counsel for the respondent denied the allegations and reiterated the averments made in the counter affidavit to the petition.



10. We have carefully examined the arguments advanced and perused the material records.

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11. The marriage between the appellant and the respondent had taken place on 24.05.2004. It was a registered marriage. Admittedly, they had fallen in love with each other and had married against the wishes of their parents. They both belong to different communities. After the marriage, two sons had been born. The first son was born on 11.06.2006 and the second son was born on 18.02.2009. The very specific allegation of the appellant was that when the father of the respondent underwent eye surgery, she took care of him and at that time, the father of the respondent had made sexual advances to her. This was in the year 2009. In her cross examination she stated that, even at the time of her marriage, her father-in-law had retired and he would have been aged between 65 to 70 years. The said allegation had been raised only in the notice issued in the year 2018 after nine years and after the children had also grown up. During the interregnum period from 2009 when this incident was alleged to have happened and the year 2018 there is no record protesting the same. There is also no evidence produced recording the same.

12. The further allegation of the appellant was that the respondent used to drink alcohol and misbehaved with her often. Again, specific details had not been given and there is no evidence of protestations made by her. The further

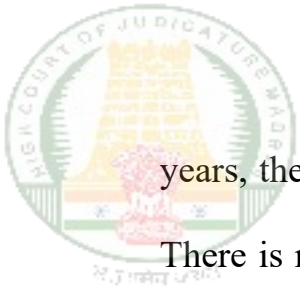


allegation against the respondent was that he used to watch porn films and compelled her to behave in the manner in which the film was exhibited. But again, the details had not been given.

13.It is also to be noted that after her marriage, she had qualified herself in B.A., degree and thereafter in B.Ed., degree and she also obtained a Government job owing to intercaste marriage on 04.01.2010 as a Secondary Grade Teacher.

14.But it is also to be noted that from the year 2009 till 2018, they were both living together. Only on 05.10.2018, she had left the matrimonial house. By that time, it is also to be noted that the respondent had purchased a house and was paying monthly instalments towards the cost of the house.

15.The learned Trial Judge had noted that the husband had taken every effort to take care of her. These are all factors which had been noted by the learned Trial Judge. Even though the allegation against the father of the respondent or about the respondent had not been noted in the order, we have to state that specific dates had not been given and even if the allegations are to be taken as credible, she had continued to live with the respondent. The next incident starts only in the year 2018 and right from the year 2009 till 2018 they have been living together in the family along with the two sons. During these



years, they had purchased the house, she had studied, she had got employment.

There is no evidence of any quarrel during that particular period between 2009 and 2018. There is no evidence of any specific incident which triggered the filing of the petition in the year 2020.

16. In view of the above observations, we are not inclined to interfere with the order passed by the Trial Court in H.M.O.P.No.208 of 2020. Accordingly, the Appeal stands dismissed. No costs.

(C.V.K.,J.) (K.R.S.,J.)
24-04-2026

smv

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

To

The Family Court, Tiruvannamalai.



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

smv

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