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CMA No. 944 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CMA No. 944 of 2020

V.Richard Ramanan

..Appellant(s)

Vs

N.Kumari @ Jebakumari

..Respondent(s)

Appeal against the judgment and decree, dated 26.11.2019, passed in F.C.I.D.O.P.No.79 of 2017 by Family Court, at Chengalpattu.

For Appellant(s): Mr.R.Sethuvarayar

For Respondent(s): Mr.K.Thirumavalavan,
for Mr.Na.Malaisaravanan

JUDGMENT

(Judgment of the Court was delivered by K.Rajasekar J.)

The unsuccessful husband has filed this appeal, challenging the order of dismissal of divorce petition filed in F.C.I.D.O.P.No.79 of 2017, dated 26.11.2019, on the file of Family Court, Chengalpattu.



2. The appellant husband filed the petition to dissolve the marriage that took place on 26.10.2015 with the respondent wife at Christian Religious C.S.I. St.Andrews Church, Vallam, Chengalpattu.

3. According to the appellant, after the marriage, the respondent used to quarrel and also call with vulgar words, caused physical attacks. Due to the said attitude of the respondent, the appellant suffered cruelty and mental agony. Further, the respondent was always doubting him, linking him with some other women. When the same was questioned by the appellant, she threatened him that she would lodge a police complaint, alleging dowry harassment made to her and also that she would commit suicide. At the instigation of the respondent, her brothers attacked him and caused severe injuries. Subsequently, she lodged a false police complaint against him, alleging that he had attacked and caused injuries. Also, she deserted the matrimonial home from 06.07.2017. A criminal case was also separately registered against him in Crime No.438 of 2017 for the offences punishable under Sections 294 (b), 323 of IPC and also under Tamil Nadu Prohibition of Harassment of Women Act. Unable to bear the harassment and mental agony, he filed the petition, seeking dissolution of the marriage.

4. The respondent filed a counter and contested the petition on the ground that she was not involved in any act of cruelty, instead, the appellant had caused cruelty to her, by beating her without any valid reasons. He was a drunkard and never looked after the family. When she questioned his attitude, he beat her severely and, in that regard, she also lodged a police complaint in CSR



No.117/2017 on 20.04.2017. During the enquiry, the appellant also made a promise that he would stop the illicit relationship with the other woman, by name, Shakila @ Banu. Thereafter, due to the intervention of police, he resumed the marital life. However, the appellant had not changed his attitude and continuously harassed her and not taken care of her and forced her to leave the matrimonial home. In the meantime, she also delivered a male child and even then the appellant did not come forward to see the child and totally neglected the family. Due to interventions of elders, she once again joined the matrimonial life, and, on 06.07.2017, he demanded money and developed a quarrel which resulted in attacking her by the appellant, as a result of which she was admitted to hospital and from the hospital she lodged a police complaint and a criminal case was registered. Hence, the allegation of cruelty against her by the appellant was false and, suppressing his own wrong, the petition was filed.

5. On the basis of the above pleadings, the trial took place. On the side of appellant, P.Ws.1 and 2 were examined and Exs.P-1 and P-2 marked. On the side of respondent, R.W.1 was examined and Ex.R-1 marked.

6. After considering the evidence and other circumstances of the case, the trial Court had taken a view that the appellant herein committed cruelty against the respondent and hence he was not entitled for dissolution of marriage, and that he could not take advantage of his own wrong. Accordingly, the petition was dismissed.



7. Aggrieved over the dismissal of the petition, the appellant has filed this appeal, contending that the trial Court had failed to appreciate the fact that the respondent lodged several police complaints continuously and also forced the police to detain him in police station for some days, which resulted in causing much cruelty and harassment to him. It is also alleged that the attitude of the respondent was very rude, as she used to develop and attack the appellant indiscriminately, and, with the help of her brothers, he was also beaten up and, further, by suppressing all these facts, a police complaint was also lodged against him and hence he prays for allowing the appeal.

8. Learned counsel for the respondent submitted that though several allegations were made in the pleadings, there was no evidence adduced before the trial Court to substantiate the claim of cruelty. Further, the wife produced the contra evidence that she suffered a lot, more particularly, the physical injuries by the appellant and, in that regard, a criminal case was also lodged and there was no merit in the claim of the appellant. Accordingly, he prayed for dismissal of the appeal.

9. We have considered the submissions made on both sides and also perused the records.

10. Though it is argued by the appellant that there were several ailments on the respondent and the same were suppressed and due to the ailments she used to behave rudely and attack the appellant, there was no evidence to substantiate the same before the trial Court and the same was also recorded. We



have also gone through the evidence, wherein, the appellant, except adducing some oral evidence, alleging harassment and cruelty, did not produce any other material to substantiate the same.

11. Per contra, on the side of the respondent, she marked Ex.R-2, which was a CSR Receipt, the contents of which revealed that she came forward with a grievance that the appellant was having an affair with some other woman and, in that regard, she sought some assistance of police to lead matrimonial life with the appellant. It was also stated in her evidence that police had enquired the case and, in the police station, the appellant appeared and gave an undertaking that he would not continue the relationship with another woman. Ex.R-2 substantiates the evidence of the respondent as to the fact that she had approached the police, seeking assistance to lead her matrimonial life, due to the illicit relationship maintained by the appellant. She also stated that the appellant beaten her on 06.07.2017 voluntarily and caused severe injuries. In that regard, an FIR was also registered against the appellant in Crime No.438 of 2017 for the offences punishable under Sections 294 (b), 323 of IPC and also under Tamil Nadu Prohibition of Harassment of Women Act. Medical records were also produced to show that she sustained injuries. All these documents revealed that the evidence adduced on the side of the respondent was more probable and there was likelihood that she suffered cruelty at the hands of the appellant. When there was contra evidence produced by the wife, the burden was on the appellant to prove that he suffered cruelty at the hands of the respondent, but,



there was no such evidence to contradict the documents produced and the evidence adduced on the side of the respondent.

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12. Under the said circumstances, we are of the view that the trial Court had rightly held that the appellant filed the petition trying to take advantage of his own wrong, stating that he was forced to attend police station and detained in police station. Such contention is not sustainable and there is no merit in the appeal. Accordingly, this Civil Miscellaneous Appeal is dismissed. No costs.

(C.V.K.,J.) (K.R.S.,J.)
26-03-2026

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

DIXIT

To

- 1.The Judge,
Family Court,
Chengalpattu.
- 2.The Section Officer,
V.R.Section,
High Court,
Mdras.



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

DIXIT

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