



WEB COPY

CMA No. 2099 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-03-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CMA No. 2099 of 2021

P.Sivakumar

..Appellant(s)

Vs

Punithavathy

..Respondent(s)

PRAYER : To set aside the judgment and decree of the learned Family Judge, Puducherry, dated 09-04-2021, in MOP No.237 of 2011.

For Appellant(s): Mr.M.Velan
for Mr.T.Saikrishnan

For Respondent(s): Mr.P.Mohanraj

JUDGMENT

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

The unsuccessful husband has come forward with this appeal, seeking divorce, by setting aside the order passed in M.O.P.No.237 of 2011 on the file of Family Court, Puducherry.



2. The appellant/husband had alleged that his marriage with the respondent/wife was solemnised on 13.12.2007 as per Hindu rites and customs.

After the marriage, he started living at the respondent's house, while the respondent was doing tailoring work. The respondent had not allowed the appellant to go for job and with malafide reasons forced him to go out of the house without any reasons. Subsequently, he came to know that the respondent had also not stayed at her parents' house and stayed in a hostel. Further, the respondent had not come forward to join with the appellant and used to quarrel with him and abuse him. During the month of October, 2009, she removed her Thali and threw it on the face of the appellant, thereby causing cruelty and mental agony to the appellant. It was also alleged that the respondent had not taken care of her child, who was aged 2 ½ years, and threatened the appellant that she would lodge a police complaint against him. Hence, the appellant had come forward with a petition for divorce.

3. The allegations levelled by the appellant/husband were countered by the respondent/wife, stating that the allegation of cruelty was false. The appellant had not gone for work and also not eked out his livelihood. Instead, he also prevented her from attending to any work. It was further alleged that the appellant/petitioner used to give only Rs.1000/- to the entire family and for the purpose of running the family, the respondent also joined in a hospital work. Without any reasons, the appellant deserted the family and in spite of her best efforts to contact him, he had not come forward to talk with her and thereby the



petition filed by the appellant lacked bonafides and accordingly prayed for dismissal of the petition.

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4. Before the trial Court, the appellant/petitioner himself was examined as P.W.1 and two other witnesses were examined as P.Ws.2 and 3 and Exs.P-1 to P-4 were also marked. On the side of respondent, she was examined as R.W.1 and Ex.R-1 was marked.

5. After considering the evidence and other pleadings, the trial Court recorded that there was no evidence of cruelty committed by the respondent. Hence, the appellant/petitioner was not entitled for relief of divorce. Aggrieved over the same, the appellant/husband has filed this appeal, challenging the judgement and decree.

6. Learned counsel for the appellant has submitted that there are documentary proofs as well as oral evidence adduced on the side of the appellant/husband and the same are not properly appreciated by the trial Court and that the evidence placed on record show that he was treated with cruelty. Hence, he prayed to set aside the judgment and decree of the trial Court.

7. Learned counsel for the respondent has submitted that it is a case of no evidence and though several allegations were levelled in the pleadings, no evidence was produced to corroborate the same. Hence, the trial Court had held that the appellant was at fault of deserting the family and no ground for cruelty was made out for granting divorce.



8. We have considered the submissions made by both sides and also perused the records.

9. The trial Court, in its judgment, has elaborately discussed the evidence of P.W.1. In the evidence, though the appellant has alleged that he has been orally abused by the respondent wife, it has been specifically denied by the respondent. Further, it has been recorded that various averments made in the deposition/evidence have not been pleaded in the petition. It is also the admitted case of the appellant that he was not doing any work while he was staying with the respondent/wife. It is admitted that the respondent joined in JIPMER Hospital in Pathology Department and was earning income and taking care of the family. Further, the allegation of respondent-wife deserting the family and also the daughter, who was aged 2 ½ years, was not established. It was the specific case of the respondent that the child was taken care of by her and that the appellant avoided to talk with the family, including the respondent. The allegation of cruelty by the respondent was also not established by any supporting evidence. Since the appellant has failed to prove the ground of cruelty and there is evidence to show that the appellant has not made any physical and monetary contribution to the family or to the respondent herein, he is not entitled to take advantage of his own wrong.

10. In such circumstances, we are of the view that the finding of the trial Court is more probable and there is no reason to interfere with the judgment and



decree impugned herein. Accordingly, the same is hereby confirmed and the appeal is dismissed. No costs.

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(C.V.K.,J.) (K.R.S.,J.)
12-03-2026

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

DIXIT

To

Family Court,
Pondicherry.



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

DIXIT

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