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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-11-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

AND

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

CMA No. 3341 of 2014 And
M.P.No.1 of 2014

CNR: {HCMA011102522014}

Case QR

Pakialakshmi
D/o Jayaraman, No.3, Priyadarshini Nagar,
Gorimedu, Puducherry.

..Appellant(s)

Vs

Sedouramane
No.8, 1st Cross Dr.Radhakrishnan Nagar, Teachers Colony, Oulgaret Municipality, Pouducherry.

..Respondent(s)

Prayer:

Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act, praying to allow this civil miscellaneous appeal by setting aside the order and decreetal order dated 01.09.2014 in M.O.P.No.155 of 2005 passed by the Principal Family Court, Puducherry and remit back the same to the trial Court for fresh consideration after giving an opportunity to the appellant to recall PW4-PW6.

For Appellant(s): Mr.R.Prabhakaran

For Respondent(s): Ms.K.Kumudha

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JUDGMENT

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

This appeal has been filed against the order and decreetal order dated 01.09.2014 passed by the Principal Family Court, Puducherry, in M.O.P.No.155 of 2005.

2.The learned counsel appearing for the appellant submitted that the respondent husband filed petition under Section 13 (1)(ia) and (ib) of the Hindu Marriage Act, 1955 to dissolve the marriage of the respondent with the appellant which was solemnized on 01.09.1995 by way of decree of divorce before the Family Court at Puducherry and the Family Court vide order dated 01.09.2014, granted the relief of dissolution of marriage of the respondent with the appellant. The grievance of the appellant is that the Family Court without providing any opportunity to cross examine the witnesses, the divorce order was passed against the appellant. The learned counsel further submitted that P.W.1 and P.W.3 were cross examined by the appellant and the remaining witnesses namely, P.W.2, P.W.4, P.W.5 and P.W.6 were not cross examined and hence this Court may permit the appellant to cross examine P.W.2, P.W.4, P.W.5 and P.W.6.

3.The learned counsel appearing for the respondent fairly submitted that

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exparte order was passed against the appellant on the ground that the appellant prolonged the issue without cross examining P.W.2, P.W.4, P.W.5 and P.W.6. the learned counsel further submitted that the appellant already cross examined P.W.1 and P.W.3. During the pendancy of this appeal, P.W.2 the mother of P.W.1 died and P.W.4 and P.W.6 are not available and only P.W.5 is available for cross examination. Hence, this Court may without going into the merits of the case, set aside the impugned order and remit the case back to the Family Court and permit the appellant to cross examine P.W.5 and other available witnesses and also permit the appellant and the respondent to examine and cross examine the witness, if any, available in their favour and issue direction to the Family Court to dispose of M.O.P.No.155 of 2005, within a reasonable time frame.

4.It appears that the impugned order was passed against the appellant on the ground that the appellant prolonged the issue without cross examining P.W.2, P.W.4, P.W.5 and P.W.6. Hence, considering the submissions made on either side, this Court, without expressing any opinion on the merits of the case, is inclined to set aside the impugned order and remit the matter back to the Family Court for fresh consideration.

5.Accordingly, the order and the decreetal order dated 01.09.2014 passed by the Principal Family Court, Puducherry, in M.O.P.No.155 of 2005 is set

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aside and the matter is remanded back to the Principal Family Court, Puducherry, for fresh consideration. The Principal Family Court, Puducherry, shall permit the appellant to cross examine P.W.5 and other available witnesses. The Principal Family Court, Puducherry, shall also permit the appellant and the respondent to examine and cross examine the witness/ witnesses, if any, available in their favour and shall dispose of M.O.P.No.155 of 2005, within a period of three months from the date of receipt of a copy of this order.

6.The civil miscellaneous appeal is allowed on the above terms. No costs. Consequently, the connected miscellaneous petition is closed.

(M.D.I.,J.) (A.D.M.C.,J.)
10-11-2026

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

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To

The Principal Family Court, Puducherry.

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