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C.M.A.No.2204 of 2025

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 18.06.2026**

**CORAM**

**THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN**

**AND**

**THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**C.M.A.No.2204 of 2025**  
**& C.M.P.Nos.18785 of 2025**

S.Balaji

S/o.K.Srinivasan

... Appellant

vs.

Charu Chandiraa

D/o.Venkatappan

... Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 19 of the Family Court Act under Section 13(1)(i-a) of Hindu Marriage Act, 1955 dated 22.10.2024 passed by the Family Judge, Salem in H.M.O.P.No.148 of 2023.

For Appellant : Mr.K.Sumathi

For Respondent : No Appearance

**JUDGMENT**

[Judgment of the Court was delivered by **C.V. KARTHIKEYAN, J**]

The respondent in H.M.O.P.No.148 of 2023 on the file of the Family Court at Salem, aggrieved by the observations made in the order dated 22.10.2024 has filed the present appeal.



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2. The said petition in H.M.O.P.No.148 of 2023 had been filed by the respondent herein/wife seeking dissolution of marriage solemnized between herself and the appellant on 05.12.2016 on the ground of cruelty under Section 13(1)(i-a) of the Hindu Marriage Act 1955.

3. The learned trial Judge, on appreciation of the evidence adduced, had allowed the petition and had dissolved the marriage on the ground of cruelty under Section 13(1)(i-a) of the Hindu Marriage Act 1955. However, the learned counsel for the appellant insisted that the learned trial Judge has misdirected himself particularly because during the evidence, both the parties had withdrawn their respective allegations as against each other and had stated that they are agreeable for dissolution of marriage by mutual consent. The learned counsel for the appellant, therefore, argued that once evidence had been tendered on those lines, the trial Court should have converted the petition from one under Section 13(1)(i-a) of the Hindu Marriage Act 1955 to one under Section 13B of the Hindu Marriage Act, 1955 and should have proceeded to grant dissolution marriage on the ground of mutual consent. It is further contended that on these lines the parties had also presented a Memorandum of Understanding before the learned trial

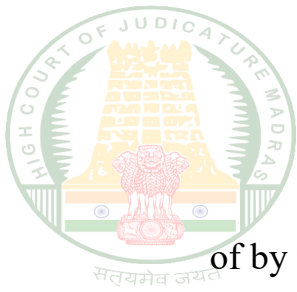


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Judge withdrawing the allegations as against each other and more

specifically when both the parties had grazed the witness box, they had also tendered evidence withdrawing the allegations and accepting for dissolution of marriage *de hors* allegations stated in the petition and in the counter affidavit.

4. Notice had been directed in this petition. Though notice had been served, there is no appearance on behalf of the respondent. It would be a futile exercise on our part to once again narrate the nature of allegations stated by each party as against the other, particularly since we have noted the evidence tendered wherein they have stated that they are not willing to live with each other and are not pressing the various grounds raised. The order of the Family Court dated 22.10.2024 would be a permanent record maintained in the Family Court and the various allegations would remain on record. This would be to the disadvantage of both the parties particularly when they seek to withdraw the allegations against each other. It is also to be noted that none of the allegations have also been proved. They remain as statements made in the petition and in the counter affidavit. Unless they had been proved, they cannot be termed as evidence or records to be taken note



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of by the Court while adjudicating an issue.

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5. In view of these facts without entering into any further discussion, we hold that the marriage solemnized between the appellant and the respondent on 05.12.2016 is dissolved as affirmed by the Family Court by its order dated 22.10.2024 by not under Section 13(1)(i-a) of the Hindu Marriage Act, 1955 but by mutual consent under Section 13B of the Hindu Marriage Act, 1955.

6. This Civil Miscellaneous Appeal is allowed accordingly. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[C.V.K., J] [K.R.S., J]  
18.06.2026

Index: Yes/No  
Neutral citation: Yes/No  
gpa

To

1. The Family Court  
Salem
2. The Section Officer  
VR Section  
Madras High Court



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and

**K.RAJASEKAR, J**

gpa

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