



C.M.A.No.2445 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2026

CORAM

THE HONOURABLE MR . JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

**C.M.A.No.2445 of 2023
& C.M.P.No.21303 of 2023**

M.Balasubramanian

... Appellant

Versus

V.A.Dhivya

... Respondent

Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act, 1984 read with Section 28 of Hindu Marriage Act, 1955 to set aside the order and decretal order passed in H.M.O.P.No.417 of 2021 dated 26.06.2023 on the file of Family Court Judge, Salem.

For Appellant : Mrs.V.Sasi Rekha

For Respondent : Mr.C. Munusamy



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JUDGMENT

WEB COPY (Judgment of the Court was made by **N.SATHISH KUMAR, J.**)

Challenging the judgment of the trial Court dismissing the petition filed for divorce on the ground of cruelty, the present appeal has been filed by the husband.

2. The marriage between the appellant and respondent was solemnized on 23.05.2010. The matrimonial dispute started from the 2012. Hence, the husband filed a petition for divorce making the allegation of cruelty. The family Court dismissed the petition mainly on the ground of *res judicata*. Though several allegations have been made by the appellant, now it is submitted by both sides that the matter has been settled and the appellant has paid a sum of Rs.40,00,000/- [Rupees Forty Lakhs only] to the respondent and her son as permanent alimony and the respondent has agreed for dissolving the marriage.

3. The respondent/wife is also present before this Court and identified by her counsel. The respondent/wife has also admitted that she has received



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Rs.40,00,000/- [Rupees Forty Lakhs only] as permanent alimony for dissolving the marriage.

4. In view of the above, we are of the view that since there is strained relationship between husband and wife from the year 2012 and there is no possibility of reconciliation, keeping the marriage tie between the parties will not serve any purpose. As both sides are willing to dissolve the marriage and respondent has also admitted that she has received Rs.40,00,000/- [Rupees Forty Lakhs only] as permanent alimony, we are inclined to dissolve the marriage between the appellant and respondent and grant the decree of divorce. It is made clear that the decree of divorce is granted on mutual consent and not on the basis of allegation made in the appeal.

5. Accordingly, this Civil Miscellaneous Appeal is allowed, the judgment and decree of the family court dated 26.06.2023 in H.M.O.P.No.417 of 2021 is set aside and the H.M.O.P.No.417 of 2021 is allowed and thereby divorce is granted on mutual consent by dissolving the marriage between the parties held on 23.05.2010 at Gurusamipalaiyam Sri



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Siva Subramaniam Temple. Consequently, the connected Civil Miscellaneous

Petition is closed. There shall be no order as to costs.

[N.S.K.,J.] [R.S.V.,J.]

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Index: Yes/No

Neutral Citation: Yes/No

gpa

To

The Family Court Judge

Salem



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