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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 18.12.2025

PRONOUNCED ON : 09.01.2026

CORAM:

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN
AND
THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

CMA No. 130 of 2020

Dr.Narendran
S/o. Ganesaraja

... Appellant/Petitioner

Vs

Dr.Narmada
W/o. Dr.Narendran

...Respondent/Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 19 of Family Courts Act, against the Decree and Judgment dated 29.08.2019 in M.O.P.No.40 of 2017 on the file of the Family court at Karaikal, Pondicherry.

For Appellant : Mr. A.M.Venkata Krishnan

For Respondent : No appearance

J U D G M E N T



(Order of the Court was made by **C.V.KARTHIKEYAN, J.**)

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The petitioner in M.O.P.No. 40 of 2017 on the file of the Family Court at Karaikal in Pondicherry is the appellant herein, having filed the appeal aggrieved by the dismissal M.PO.P.No. 40 of 2017 by Judgment and Decree dated 29.08.2019.

2. M.O.P.No. 40 of 2017 had been filed by the appellant under Section 13(1)(i-a) of the Hindu Marriage Act, 1955 seeking divorce and annulment of the marriage solemnised between him and the respondent at Arya Samaj, Chennai on 03.09.2002 and registered on 04.09.2002 before the marriage Registrar, Chennai in Serial No. 140 of 2002.

3. The respondent herein had joined issues with the appellant and had filed a counter disputing the contentions raised in M.O.P.No. 40 of 2017. By Judgment dated 29.08.2019, the said M.O.P.No. 40 of 2017 was dismissed.

4. In the Petition in M.O.P.No. 40 of 2017, the appellant had stated that both he and the respondent were studying MBBS at Sri Ramachandra Medical College and Research Institute, Chennai in the year 2002 and after



proposal for marriage, the marriage was solemnised on 03.09.2002 at Arya Samaj at Chennai and was also registered on 04.09.2002. It had been stated that the marriage was conducted without knowledge of the parents of the respondent. However, the parents of the appellant were present and also stood as witnesses. It had been stated that when the petitioner and the respondent went to the house of the respondent, her father abused and assaulted the petitioner and drove them out of the house. Thereafter, they completed their M.B.B.S in the year 2003 and obtained employment in private hospitals. They also did their PG course between 2004-2006.

5. It had been contended that the respondent had an unlawful relationship with another individual, who continued to be in contact with her. Later in 2005, the respondent became pregnant but a miscarriage happened. Thereafter, the respondent again became pregnant and a boy was born on 12.05.2008. It had been stated that the life of the appellant became miserable and the respondent often quarreled and fighting for silly things. She was over possessive and exhibited symptoms of hysteria and mental depression. She was taken to a psychiatrist in the year 2008, who prescribed some medicines. It had been stated that however, the respondent did not heed to the advise of the doctor.



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6. The respondent wanted the appellant to come over to Salem and build a hospital there where they could both practice medicine, but the appellant was not prepared to take that step. It had been stated that the respondent had a relationship with another person.

7. Finally, both the petitioner and the respondent came to Karaikal Vinayaga Missions Medical College and Hospital in the year 2012 and they both joined PG course in the said hospital. It had been stated that however, the respondent had a relationship with yet another individual.

8. The respondent abused the appellant in front of other PG doctors. The appellant contended that he took care of the child and taught him with the homework and took him to tuition and swimming. It had been contended that the respondent never took care of the appellant and he had to take his food at hotels. He was also living in a rented house at Karaikal separately from the respondent. Claiming that the marriage had irretrievably broken down and alleging that the acts of the respondent amounted to cruelty, the appellant had filed the petition seeking dissolution of the marriage solemnized on 03.09.2002 and registered on 04.09.2002.



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9. The respondent filed a counter denying and disputing each and every allegation raised by the appellant. She denied the specific allegations about her alleged relationship with third party individuals. It had been stated that it was the appellant, who tried to commence relationship with the hospital nurse and other staff which was objected by the respondent. It had been stated that she was falsely imputed with mental illness, but the doctor stated that she was perfectly normal. It had been stated that the individuals named by the appellant were also professional doctors, known to both of them and their juniors and the appellant had deliberately imputed the character of the respondent. It had been stated that the appellant had continued with his rude behaviour with her and the child and also neglected her and also the child without providing any maintenance. She stated that the petition should be dismissed.

10. During trial, the appellant examined himself as PW-1 and his mother, who was also a doctor as PW-2. The respondent examined herself as RW-1. The appellant marked Exs. P-1 to P-7 which included the marriage certificate, the bank statements of both the appellant and the respondent and the copy of the notice issued by the appellant to the respondent. The respondent did not mark any document. On appreciation of



the oral and documentary evidence and the facts stated in the pleadings, the learned Family Court Judge at Karaikal, came to the conclusion that the appellant had not proved the alleged acts of cruelty.

11. The learned trial Judge also analysed the evidence of PW-2, the mother of the appellant, who was also a medical profession who stated that the respondent was over possessive of the appellant and there were no other serious misunderstandings between the two of them. It was also noted that though the appellant had mentioned about the alleged relationships of the respondent with other individuals, he had not claimed dissolution of marriage on that ground. The learned Trial Judge also held that the evidence revealed that both the appellant and the respondent continued to have affection for each other. He also pointed out the evidence of PW-2, who wished both the appellant and the respondent to live together. It was also noted that the appellant had also not filed a petition seeking dissolution of marriage on the ground of desertion. It was also noted that when the child was not well, the appellant had gone over to the residence of the respondent enquiring about the health of the child. In view of the evidence presented, the learned trial Judge was of the opinion that the marital bond between the appellant and the respondent still held good and there might be a few



scratches in the relationship owing to minor misunderstandings but they would not be sufficient grounds to grant dissolution of marriage. Accordingly, the Petition was dismissed. Challenging the said Judgment and the reasons given therein, the present appeal had been filed by the appellant.

12. In the appeal, the respondent had been served and had also entered appearance through Advocate, who had also filed counter affidavit though strictly not required, but however, during the hearing the learned counsel was not present.

13. The learned counsel for the appellant pointed out that facts of the case and stated that the relationship between the appellant and the respondent had irretrievably broken down and even the mediation efforts failed and therefore urged that this Court should grant dissolution of marriage.

14. In this connection, the learned counsel had placed reliance on the Judgment of the Hon'ble Supreme Court in *Civil Appeal No. 2012 of 2013*



[Shri Rakesh Raman Vs. Smt.Kavitha] dated 26.04.2023 and the Judgment of Division Bench of the Madhya Pradesh High Court in **First Appeal No. 795 of 2018 [Omprakash Vs. Sri Sangeeta]** and urged that this Court should, on the facts and circumstances of the case, hold that the marriage had irretrievably broken down and therefore direct dissolution of the marriage.

15. It is to be noted that irretrievable break down of marriage cannot be a ground to be stated by the Court for dissolution of the marriage, since the Hindu Marriage Act does not provide for such ground to be taken. This Court, would necessarily have to examine the evidence available on record to determine whether in this case, the appellant has made out a case for dissolution of marriage under Section 13(1)(i-a) of the Hindu Marriage Act, 1955.

16. Section 13(1)(i-a) of the Hindu Marriage Act, 1955 is as follows:-

“Section 13. Divorce

(1) Any marriage solemnized, whether before or after the commencement of this Act, may, on a petition presented by either the husband or the



wife, be dissolved by a decree of divorce on the ground that the other party--
(ia) has, after the solemnization of the marriage, treated the petitioner with cruelty;”

17. A careful perusal of the allegations made and the evidence available on record would show that the appellant had alleged that the respondent had committed acts of cruelty by alleging relationships with other persons, being hysterical, being over possessive and abusive and refusing to take the medicines prescribed by the psychiatrist doctor.

18. With respect to the allegations of alleged relationships with other men, the respondent had explained that they were all medical professionals known to both the appellant and the respondent and they had come home only when they were both present. The appellant had not filed the petition seeking dissolution of marriage on that particular ground also. The said allegation has also not been substantiated during the course of evidence. Though the appellant had named three separate individuals, he had not taken steps to summon them to tender evidence. We hold that the said allegations are false and had been created only for the purpose of the case and therefore we reject any such allegation as against the respondent herein.



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19. With respect to the allegations of being over possessive and being abusive, we hold that the learned trial Judge had properly appreciated the evidence that these aspects were only scratches in the marital relationship and the appellant had made a mountain of a molehill of every incident.

20. The evidence of PW-2 is extremely significant. She is the mother of the appellant and as any caring mother would depose, she had only wished that the appellant and the respondent would continue to reside together. Merely because the respondent has not been represented before this Court would not take away our responsibility to examine the evidence in entirety.

21. We hold that the appellant had not made out any ground for dissolution of marriage more so on the ground of cruelty which have only been stated but not substantiated. We are not inclined to allow the appeal. The Appeal stands dismissed. No costs.



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[C.V.K., J.]

[K.B., J.]

09.01.2026

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To:

Family court at Karaikal, Pondicherry.

C.V.KARTHIKEYAN, J.
AND
K.KUMARESH BABU, J.

vsg

Pre-Delivery Judgment made in

CMA No. 130 of 2020



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