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CMA No. 3243 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-04-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CMA No. 3243 of 2024

&

CMP No.27142 of 2024

Crl.R.C.No.2401 of 2024,

Crl.R.C.No.874 of 2025

and

Crl.M.P.No.11961 of 2025

CMA No.3243/2024

S.Poornima

..Appellant

Vs

J.Balaji

..Respondent

Civil Miscellaneous Appeal filed under Section 19 of Family Courts Act to set aside the order passed by the I Additional Family Court, Chennai in HMOP No.1642 of 2022 dated 23.09.2024.

Crl.R.C. No.2401/2024

1. S.Poornima

2. B.P.Mithusha (Minor)

(Minor rep. by mother and natural guardian

S.Poornima)

..Petitioners

Vs

J.Balaji

..Respondent



Criminal Revision Case filed under Section 397 read with Section 401 of Cr.P.C. under Section 438 read with 442 of BNSS to set aside the order passed in M.C.No.528 of 2022 by the order dated 23.09.2024 on the file of the I Additional Family Court, Chennai with regard to the quantum of maintenance and enhance the maintenance amount awarded to the petitioner.

Crl.R.C. No.874/2025

J.Balaji

..Petitioner

Vs

1. S.Poornima

2. B.P.Mithusha (Minor)

(Minor rep. by mother S.Poornima)

..Respondents

Criminal Revision Case filed under Section 438 read with 442 of BNSS to set aside the order passed in M.C.No.528 of 2022 dated 23.09.2024 on the file of the I Additional Judge, Family Court, Chennai.

For appellant in CMA 3243/2024,
petitioners in Crl.R.C.2401/2024 &
respondents in Crl.R.C.No.874/2025

: Ms.Vasudha Thiagarajan

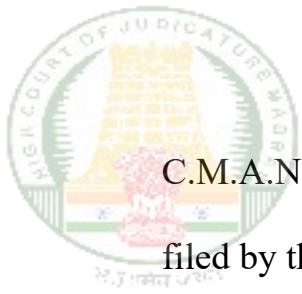
For respondent in CMA 3243/2024,
Crl.R.C.2401 of 2024 &
petitioner in Crl.R.C.No.874/2025

: Mr.Adinarayana Rao

COMMON JUDGMENT

(Judgment of the Court was delivered by C.V.Karthikeyan J.)

Challenging the common order dated 23.09.2024 passed by the I Additional Judge, Family Court, Chennai in O.P.No.1642 of 2022 granting divorce on the ground of cruelty and seeking enhancement of maintenance ordered in M.C.No.528 of 2022, the Civil Miscellaneous Appeal in



C.M.A.No.3243 of 2024 and Crl.R.C.No.2401 of 2024 respectively have been filed by the respondent in the said H.M.O.P.

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2. The marriage between the appellant and the respondent was conducted on 02.04.2021 at Chennai. According to the respondent, the appellant had medical issues, which had been suppressed. It was contended that she was taking treatment for chronic nervous disorder. It was further contended that she did not do any household work and remained in her parents house. It was further contended that on 10.07.2021, she left the matrimonial home and took away the jewellery and also the locker key of the bank where all the valuables were kept.

3. Thereafter, on 15.07.2021, she visited the matrimonial home and abused her parents-in-law and took away her clothes and personal belongings. She did not respond when she was called over phone. Thereafter, on 20.01.2022, she gave birth to a girl child, however, the same was not informed to the respondent.

4. The respondent was working in Merchant Navy and had to stay away in ship for a period of six months in a year. When he came back on 13.02.2022, he received a phone call from Thirumangalam All Women Police Station regarding lodging of a complaint by the appellant alleging dowry harassment. It



was further contended that the police had tried to pacify them. The demand made by the appellant was that the respondent should pay a sum of Rs.25,00,000/- as compensation to get divorce. Contending that all those instances had caused mental cruelty, the respondent had approached the Family Court seeking dissolution of marriage.

5. In the counter filed, all the allegations had been denied and disputed by the appellant herein. It has been stated therein that even at the time of engagement, the mother of the respondent had created a problem regarding jewellery and the appellant was never permitted to live peacefully in the matrimonial home. It was further contended that on 05.07.2021, she took her hospital records regarding her pregnancy, the locker key and some of her clothes. Thereafter, when she visited the matrimonial home on 16.07.2021, she was not allowed inside the house. The family members of the respondent wanted the jewels to be checked for purity and weight. Whenever, she visited the matrimonial home, she was insulted. When she gave birth to a child, she informed her in-laws and they visited her and the baby. She also showed the baby through video call to the petitioner. On 20.02.2022, the respondent called the appellant and insulted her and her parents and abused them in vulgar language. This had forced her to lodge a complaint with the All Women Police Station, Thirumangalam. She prayed for dismissal of the divorce petition.



6. The appellant had also filed M.C.No.528 of 2022 seeking monthly maintenance for her and her child. In the said petition, it was contended that the respondent was drawing about 5872.68 USD, equivalent to Rs.4,68,958/- per month.

7. In the counter, it had been stated by the respondent that though the salary stated is correct, it was paid only for six months when he is on the ship. It had been stated that the appellant herein had sufficient means to look after herself.

8. On the basis of the pleadings, the following issues were framed by the court below:-

- "(i) Whether the petitioner in O.P.No.1642/2022 is entitled to get dissolution of marriage on the ground of cruelty?*
- (ii) Whether the petitioners in M.C.No.528/2022 are entitled for maintenance as prayed for?"*

9. During trial, the respondent herein/husband examined himself as PW1 and marked Exs.P1 to P8. The appellant/wife examined herself as RW1 and marked Exs.R1 to R11.



10. On the basis of the pleadings and the oral and documentary evidence adduced on both sides, the learned Trial Judge was of the opinion that the appellant herein had lodged a complaint alleging dowry harassment and since the respondent herein had been on ship from 14.07.2021 and returned only on 21.02.2022, the allegation of dowry harassment do not appear to be believable. Thereafter, the learned Trial Judge had given the following reasons for allowing the petition seeking divorce:-

"22. Apart from that, on considering the incidents right from the beginning of the marriage that is 02.04.2021 till filing of this petition, it is understood that, the petitioner is most of the period away from the respondent because of his job. Equally, the respondent was also away from the matrimonial home, most of the period living in her parent's house. As per her admission itself, she has lived in the matrimonial home only short period i.e. only two to three months. Even if it is so, there were more issues between them. So, it is understood that their relationship become strained and their marriage also irretrievably broken down. Even though it is not ground for divorce, this court considers as per above discussion that the petitioner has proved his case. So, the petitioner is



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entitled for dissolution of marriage on the ground of cruelty and the Point No.1 is answered accordingly."

11. A careful perusal of the above observation of the Trial Court would show that the learned Trial Judge was swayed by the view that the marriage had irretrievably broken down and had found that the respondent herein had proved his case. It was also observed by the learned Trial Judge that the respondent was away because of his job and equally, the appellant was away from the matrimonial home and was staying in her parents house and they had lived together only for two or three months.

12. The learned counsel for the appellant submitted that the parties lived only for a few months and even before they understood each other properly, the respondent herein had left for his job in the ship. It had been contended that a complaint has been lodged as the key of the locker was with the respondent herein and only after the complaint had been lodged, the key had been handed over and the jewels of the appellant had been collected.

13. The learned counsel for the respondent contended that the appellant insisted the respondent to be away from his parents and that was not possible since his father was a cancer patient. The learned counsel further submitted that the appellant wanted to control the finances of the respondent. It was also stated



that whenever there were differences of opinion between them, the appellant used to lock herself in a room and thereby caused mental cruelty. It was also stated that she had lodged a false complaint against the respondent alleging dowry harassment which made it impossible for him to live with her and therefore, he had filed the petition seeking divorce on the ground of causing of mental cruelty.

14. We have carefully considered the arguments advanced and perused the materials available on record.

15. The marriage between the appellant and the respondent was solemnized on 02.04.2021. It is an admitted fact that they lived together only for two or three months. The appellant conceived and had given birth to a child on 20.01.2022.

16. The only ground on which the divorce is sought is cruelty. It is seen that within two or three months, when the appellant stayed with the respondent, she had conceived and thereafter, she had left for her parents house for childbirth. The respondent also left for his job in the ship. Therefore, there was no possibility for both the parties to understand each other. We hold that some petty scratches in the marriage cannot be taken as grounds to dissolve the marriage.



17. It is true that the appellant had lodged a complaint. It is also found that the husband had retained the locker key and it was not given to the appellant when required and it was taken away. It is also an admitted statement of the respondent that he had handed over the keys to the appellant only after the complaint was lodged. It is also relevant to note that apart from the said complaint, the appellant had not lodged any other complaint against her husband making any further allegation.

18. The further submission of the learned counsel for the respondent is that the appellant herein wanted to control the finance of the respondent. Again, as a wife, it is only normal prudence that she would be interested in knowing the salary and other income of her husband and give advice about the investment schemes, especially, when the respondent was also not residing with her.

19. With regard to the allegation that the appellant used to lock herself in a room, she had given an explanation in her evidence that only whenever she was treated badly, she would lock herself in a room. We do not find any cruelty caused by the appellant against the respondent by such act as the act of the appellant could also be to avoid further escalation of the disputes between the couple. We find no justifiable reason for grant of divorce. We, therefore, hold that respondent herein has failed to establish the ground of cruelty for getting divorce.



20. In view of the above, we are inclined to set aside the order dated 23.09.2024 passed I Additional Family Court, Chennai in HMOP No.1642 of 2022 and accordingly, it is set aside and O.P.No.164 of 2022 is dismissed.

21. With reference to the order passed in M.C.No.522 of 2022, since the petition for divorce stands dismissed, we are not inclined to interfere with the quantum of interim maintenance granted. We hope that both the parties would rejoin and live together which would render any order of maintenance to become otiose.

22. In view of the same, C.MA.No.3243 of 2024 stands allowed. CrI.R.C.Nos.2401 of 2024 and 874 of 2025 stand dismissed. No costs. The connected miscellaneous petitions are closed.

(C.V.K.,J.) (K.R.S.,J.)
17-04-2026

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

To

I Additional Judge, Family Court,
Chennai.



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

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