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C.M.A(MD).No.550 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.02.2026

CORAM:

THE HONOURABLE MR.JUSTICE P.VADAMALAI

C.M.A(MD).No.550 of 2025

Annai Theresa,
D/o.Palraj,
No.283, Church Street,
Karangadu,
Thiruvadanai Taluk,
Ramanathapuram District.

... Appellant/Petitioner

Vs.

Arockiasamy,
S/o.Michael,
No.2-439, Padathaanpatti,
Karaikudi Taluk,
Sivangangai District.

... Respondent/Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 55 of the Indian Divorce Act, to set aside the order, dated 28.11.2023 in I.D.O.P.No. 69 of 2023 on the file of the Principal District Court, Ramanathapuram.

For Petitioner : M/s.K.Abiya

For Respondent : Mr.A.Manikandan



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JUDGMENT

This Civil Miscellaneous Appeal is preferred against the order, dated 28.11.2023 passed in I.D.O.P.No.69 of 2023 on the file of the Principal District Court, Ramanathapuram.

2. The petitioner in I.D.O.P.No.69 of 2023 is the appellant herein.

3. For the sake of convenience, the parties arrayed in I.D.O.P.No.69 of 2023 are adopted hereunder.

4. The brief facts of the case:

The petitioner and the respondent are spouses. Their marriage was solemnized on 27.01.2020. The respondent has been quarreling with the petitioner and used to scold with unparliamentary words in cruel manner. The respondent is addicted to consuming alcohol. The petitioner left the matrimonial life and has been living separately from 25.03.2021. Hence, the petitioner sought for divorce U/s.10(1)(x) of the Indian Divorce Act on the ground of cruelty.

5. The respondent remained exparte.



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6. The petitioner examined herself as P.W.1 and marked five documents as Ex.P.1 to Ex.P.5.

7. After hearing the petitioner's side and after considering the evidences, the trial Court has dismissed the petition by its order, dated 28.11.2023 for the reason that the petitioner has not produced any documentary evidence and not examined any independent witness.

8. Aggrieved by the said order of dismissal, the petitioner has preferred this Civil Miscellaneous Appeal.

9. The respondent has appeared through counsel and stated that the respondent has no objection.

10. Heard both sides and perused the records in this Civil Miscellaneous Appeal.

11. The learned counsel appearing for the petitioner/appellant has argued that the trial court has failed to appreciate the evidences of the petitioner. The trial Court has simply dismissed the petition as there is no



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documentary evidence and no independent witness was examined.

The petitioner examined herself as PW.1 and clearly narrated about the cruel manner of the respondent and also marked relevant documents. It is not necessary for corroboration in all the matters as the trial Court has to look into the quality of evidence and not the quantity of evidence. The respondent/husband has not participated in the divorce proceedings and remained exparte. The petitioner may be granted divorce and relied on the order passed by the principal seat of this Court in **C.M.A.No.920 of 2023 in V.Mageshkumar /v/ Elcy, dated 01.09.2023.**

12. The learned counsel appearing for the respondent has no objection to allow this appeal.

13. On hearing both sides and on perusal of records, it is clear that the marriage between the petitioner and the respondent was solemnized on 27.01.2020 according to Indian Christian rites at Church of St.Antony of Hermit, Padathanpatti. The petitioner's case is that the respondent is addicted to alcohol and he habitually scolded and quarreled with the petitioner and her family members in unparliamentary words in a cruel manner and consequently she left the matrimonial home on 25.03.2021



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and she is residing along with her parents. She was examined as P.W.1 and filed proof affidavit and narrated the petition averments.

14. On perusal of the order of the trial Court, it seems that even though the respondent remained ex parte, the trial Court dismissed the divorce petition on the ground that there is no documentary evidence and independent witness. As rightly submitted by the learned counsel for the petitioner, it is not necessary for corroboration in all matters, and the trial Court has to look into the quality of evidence and not quantity of evidence as held by this Court in **C.M.A.No.920 of 2023 in V.Mageshkumar /v/ Elcy, dated 01.09.2023**. Moreover, it is pertinent to note that the respondent/husband remained ex parte before the trial Court and the learned counsel appearing for the respondent before this Court made an endorsement that the respondent has no objection to allow this appeal. Further, the respondent has not filed any petition for restitution of conjugal rights. Hence, it is deemed that the respondent has admitted the case of the petitioner. Therefore, the order passed by the trial Court warrants interference and the same is liable to be set aside.



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15. In the result, this Civil Miscellaneous Appeal is allowed and the order, dated 28.11.2023 passed in I.D.O.P.No.69 of 2023 on the file of the Principal District Court, Ramanathapuram, is set aside. The petition in IDOP.No.69 of 2023 is allowed by granting divorce in favour of the petitioner. No costs.

25.02.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
VSD

To

- 1.The Principal District Court,
Ramanathapuram.
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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P.VADAMALAI, J.

VSD

Judgment made in
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