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C.R.P.(MD)No.1105 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2026

CORAM

THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

C.R.P.(MD)No.1105 of 2026

and

C.M.P.(MD)No.5193 of 2026

XXXXX

... Petitioner

vs.

YYYYY

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order made in I.A.No.3 of 2025 in H.M.O.P.No.1145 of 2023, dated 08.10.2025 on the file of the Family Court, Madurai, by allowing this Civil Revision Petition.

For Petitioner : Mr.T.R.Subramanian

ORDER

Heard Mr.T.R.Subramanian for the Civil Revision Petitioner.

2. The civil revision petitioner is the husband and the respondent is his wife.



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3. The husband's attempt to send his wife for a medical examination to the Government Rajaji Hospital Medical Board, Madurai, was rejected by the Family Court, Madurai. Hence, this revision.

4. There is no dispute in the relationship between the parties. The petitioner husband married the respondent wife on 31.08.2022. Alleging that certain facts had been suppressed at the time of marriage and also that, he had been treated with mental cruelty, he presented H.M.O.P.No.1145 of 2023. The petition has been filed invoking Sections 11, 12(b) and 13(1)(ia) of the Hindu Marriage Act, 1955. Summons has been served on the wife. She has also presented her counter. Thereafter, the parties were pushed to trial.

5. During the course of trial, the husband examined a Doctor, who is said to have treated the wife, allegedly for Schizophrenia. After this evidence was completed, the husband took the present application in I.A.No.3 of 2025, seeking a direction from the Family Court to direct the wife to present herself before the Medical Board at the Government Rajaji Hospital, Madurai for assessment. This application was dismissed. Hence, the revision.



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6. I heard Mr.T.R.Subramaniam for the Civil Revision petitioner.

7. Mr.T.R.Subramaniam submits that he has substantiated his case by examining P.W.2, the doctor who had treated his wife. He further states that, by way of additional evidence, the husband seeks a direction for the wife to undergo a medical examination. He states that *prima facie* he has been able to demonstrate before the Court that the wife is suffering from Schizophrenia and therefore, the Family Court erred in dismissing the petition.

8. I have considered the submissions of Mr.Subramaniam and I have gone through the records.

9. At the outset, I should point out that when H.M.O.P.No.1145 of 2023 was presented, the wife was not shown as a mentally challenged person. In a proceeding, where the respondent is alleged to be mentally unstable or mentally challenged, a guardian ought to be appointed for such person, and only thereafter the proceedings can be taken up further. A perusal of the cause title shows that the wife has been arrayed in her normal capacity. Further, if the wife is stated to



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be suffering from mental illness, I have my own doubts as to how the petitioner can maintain an application under Section 13(1)(ia) of the Hindu Marriage Act. The petition has not been filed under Section 13(1)(iii) of the Act. The allegation of the husband is that the wife is not mentally sane. When a person is not mentally sane, he or she cannot be held responsible for the actions taken by him or her. If that be the situation, the ground of mental cruelty falls flat on its face. This is only a *prima facie* conclusion in order to point out the huge void in the case of the husband.

10. Apart from this, the husband has examined a doctor, who allegedly treated the wife. It is for the husband to demonstrate before the Court that, on account of such a treatment, the wife was incapable of discharging her matrimonial duties. Furthermore, the very documents produced by Mr.Subramanian indicate that some of the medicines prescribed are used for Parkinson's disease and not for any mental illness. It is for the husband to establish, by way of other available and acceptable evidence, that the wife is not mentally sane.

11. The husband cannot compel the wife to undergo examination by a Medical Board. Such an attempt is wholly



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impermissible. The strategy is evident. If the wife is directed to undergo examination by a Medical Board, and if she does not, he would attempt to draw an adverse inference. A litigant cannot be left at the mercy of her adversary.

12. The learned Family Judge has appreciated all these aspects and has rightly come to the conclusion that the petition is untenable. To declare a person mentally unstable has serious legal consequences and cannot be casually dealt with. I am not in agreement with Mr.Subramanian submissions.

13. In view of the above observations, the Civil Revision Petition is **dismissed**. No cost. Consequently, the connected miscellaneous petition is closed.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
Nsr

17.04.2026

To:

The Family Court, Madurai.



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V.LAKSHMINARAYANAN, J.

Nsr

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