



C.M.A(MD)No.710 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 08/01/2026

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN
AND
THE HONOURABLE MS.JUSTICE R. POORNIMA

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Sugapriya : Appellant/Petitioner

Vs.

K.Ramesh : Respondent/Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 19 of the Family Court Act, to set aside the order and decreetal order, dated 17/04/2023 made in HMOP No.215 of 2022 on the file of the Family Court, Karur and pass such further or other orders.

For Appellant : Mr.M.M.Manivel Pandian

For Respondent : Mr.K.Ramesh
(No appearance)



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JUDGMENT

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[Judgment of the Court was made by R.POORNIMA, J.]

This civil miscellaneous appeal is directed against the order and decreetal order, dated 17/04/2023 made in HMOP No.215 of 2022 on the file of the Family Court, Karur.

2. The appellant/wife filed a petition before the Family Court, Karur, under Sections 13(1)(i-a) and 13(1)(i-b) of the Hindu Marriage Act, seeking dissolution of the marriage solemnized between the appellant/wife and the respondent/husband on 14.09.2008, on the grounds of cruelty and desertion.

3. The brief averments in the petition are as follows:

(a) The marriage between the petitioner and the respondent was solemnized on 14.09.2008 at Arulmigu Sri Venkatramana Swamy Thirukovil, Thanthontrimalai, Karur Taluk. After the marriage, the petitioner and the respondent resided in a joint family at the respondent's house along with his parents.

(b) According to the petitioner, within a short period of marriage, the respondent and his family members were not cordial towards her. The



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respondent's mother frequently found fault with the petitioner and subjected her to verbal abuse. When these issues were brought to the notice of the respondent, he allegedly refused to intervene.

(c) It is further stated that the respondent, who was working as a Managing Partner in a finance business, left the house stating that he was going for work and returned after a few days in an intoxicated condition. The respondent allegedly failed to provide for the petitioner's basic expenses.

(d) During this period, the petitioner became pregnant. However, she was not provided with proper care or nutritious food. Instead, the respondent allegedly quarrelled with her and compelled her to undergo an abortion. It is also alleged that the respondent abused the petitioner by suspecting her fidelity. When the petitioner's parents visited the respondent's house to request arrangements for a baby shower function, the respondent allegedly insulted them. The petitioner delivered a male child on 04.07.2009. Despite being personally informed of the child's birth by the petitioner's father, the respondent allegedly did not express any joy at becoming a father, nor did he visit the petitioner or the child or provide financial support.



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(e) Thereafter, the petitioner returned to her matrimonial home.

However, the respondent allegedly continued to neglect her and failed to provide any financial assistance. It is further alleged that the respondent frequently brought his friends home for consuming liquor.

(f) The petitioner, who is presently employed as a Teacher in a private school, stated that she has been educating and maintaining the child out of her meagre income. She further alleged that the respondent continuously demanded money from her and, upon her refusal, assaulted her. Consequently, she left the matrimonial home and has been living separately.

Hence, the petitioner prayed for a decree of divorce dissolving the marriage between the petitioner and the respondent.

4. The respondent/husband denied the allegations made in the petition and filed a counter statement contending as follows:

(a) The respondent claimed that he had supported and financed the petitioner's education up to Higher Secondary, B.A., B.Ed., and M.A., enabling her to earn an income. He alleged that the petitioner deserted him after becoming employed.



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(b) It is stated that the petitioner is the respondent's sister's daughter and that the marriage was solemnized due to family pressure, without any demand for jewels or sridhana. At the time of marriage, the petitioner had completed the 10th Standard. The respondent asserted that he was owning a lorry and earning sufficient income. The respondent further contended that the petitioner did not behave as a dutiful wife. However, he overlooked her conduct out of love and affection. He claimed to have constructed a house in Karur District, where the petitioner and her family members resided along with him.

(c) The respondent also alleged that the petitioner lacked affection towards the child and left the matrimonial home six months prior, after securing employment. According to him, the child remained under his care and custody, and he alone admitted the child in Kongu Matriculation School, Velur, and provided for his education.

(d) The respondent contended that after obtaining employment, the petitioner left the child and filed the present petition with false allegations.

5. During the trial, on the side of the petitioner, she examined herself as PW1 and marked four documents as Exs.P1 to P4. On the side



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of the respondent, he examined himself as RW1. Additionally, his sister was examined as RW2, and the petitioner's mother was examined as RW3.

6.After hearing both parties and upon perusing the evidence available on record, the Family Court, Karur dismissed the petition filed by the wife. Against which, the present appeal is filed by the wife as appellant with the following grounds of :-

The Family Court failed to consider the fact that the petitioner was treated with cruelty and proved that the respondent harassed her and treated her with cruelty. The respondent is a drunkard and he used to come home once in two days and he was always in an inebriated mood in the house and the appellant was always in the fear of leading a peaceful married life in the house and the respondent never bothered about the well being of the appellant. The respondent in collusion with his mother, ill-treated the appellant and humiliated in the house in the presence of other persons and the respondent has not spent any money for the welfare of the appellant as well as the child. The finding of the Family Court is not sustainable in law. The Family Court failed to the consider the fact



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that the parents of the petitioner alone helped her for acquiring the education qualification and not by the respondent. Under these circumstances, he prays for setting the order of the Trial Court and the appeal is to be allowed.

7. Heard the learned counsel for the appellant. No representation for the respondent.

8. Upon perusal of the records and the judgment of the Family Court, it is evident that the petitioner is the respondent's sister's daughter. During cross-examination, the petitioner admitted that at the time of marriage she had completed only the 10th Standard. Thereafter, at the instance of the respondent, she continued her education by enrolling in a Tutorial College at Paramathi, subsequently joined PGP College, Namakkal, where she completed her B.A. (Literature) and B.Ed., and later pursued her M.A. at Kandasamy Gounder College. She further came to Rasipuram to prepare for the TRB examination. This clearly demonstrates that she pursued her studies at various institutions. During this period, the child was admittedly taken care of by the respondent.



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9. Though the petitioner alleged that her mother-in-law had abused her, she conceded during cross-examination that the said mother-in-law is, in fact, her grandmother. No serious allegation of cruelty was substantiated against her. The petitioner further admitted that the respondent was engaged in the transport business and later functioned as the Managing Partner of a finance company.

10. The petitioner's sister, examined as RW2, admitted that the petitioner's education was provided solely by the respondent. She also stated that the spouses were living separately while maintaining a cordial relationship with their mother. It is pertinent to note that the Trial Court found the allegations of ill-treatment to be false, particularly in light of the evidence adduced by the petitioner's own mother.

11. The petitioner's mother, examined as RW3, likewise admitted that the respondent alone was responsible for the petitioner's education. She further deposed that the respondent had constructed a house in which she, her husband, and their daughters resided along with the petitioner for a period of two years. She also stated that all household responsibilities were managed by the respondent and not by the



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petitioner, thereby supporting the respondent's case.

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12. Additionally, R.W.3 admitted that the petitioner has been working as a teacher at Cheran School for the past eight months. This circumstance indicates that the divorce petition was filed only after the petitioner secured employment. Significantly, no allegations of dowry harassment were made against the respondent's mother.

13. The evidence on record clearly establishes that until the petitioner obtained employment, her education and household expenses were borne by the respondent, who also took care of the child. The allegations made by the petitioner were not proved by cogent evidence or documentary support.

14. Therefore, this Court finds that the Trial Court rightly rejected the petition filed by the petitioner. No perversity is discernible in the impugned order.

15. In the result, the Civil Miscellaneous Appeal is dismissed, and the order dated 17.04.2023 passed in HMOP No.215 of 2022 on the file



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of the Family Court, Karur, is hereby confirmed. No costs. Consequently,
the connected Miscellaneous Petition is closed.

[G.K.I., J.] & [R.P., J.]
08.01.2026

NCC : Yes / No
Index : Yes / No
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To,

- 1.The Family Court,
Karur.
- 2.The Section Officer,
VR/ER Section,
Madurai Bench of Madras High Court,
Madurai.



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