

IN THE FAMILY COURT, MAVELIKARA
Present: Sri. Abdul Jaleel.A, Judge
Thursday, the 16th day of April 2026/26th Chaithra 1948

OP(HMA).No.2071/2025

(Filed on 01.12.2025)

Petitioner: Aswathy.R.Pillai, Aged 27 years,
D/o.Rajan Pillai, Thondanvelil,
Ezhakkadavu, Chennithala Village,
Mavelikara Taluk.
(Represented by Power of Attorney holder,
Renjini, Of-do-do-)

(By Adv.N.Ruby Raj)

Respondent: Anikumar.K.A., Aged 36 years,
S/o.Anandan Pillai, Kalathikkalayil,
Mulakkuzha Village, Chengannur Taluk.

(Exparte)

This petition having been finally heard on 04.04.2026
and the court on 16.04.2026 delivered the following:

JUDGMENT

This is a petition filed u/s 13 (1) (ia) & (ib) of the Hindu Marriage Act 1955 and Sec.7 of the Family Courts Act for divorce.

2) The petition averments in brief are as follows:- The petitioner is the wife of the respondent. They belongs to Hindu religion and governed by the provisions of the Hindu Marriage Act. The marriage between the petitioner and the respondent was solemnized on 21.10.2010 at Cherukol Sree Dharma Sastha-

Subramanya Temple in accordance with the Hindu religious rites and ceremonies. A female child was born in the lawful wedlock. At the time of marriage the petitioner had adorned 25 sovereigns of gold ornaments. Apart from the above parents of the petitioner entrusted Rs.4,00,000/- with the respondent and his parents as paternal share of the petitioner. Two days after marriage it was came to the notice of the petitioner that the respondent is a drunkard and drug addict. On 23.10.2010 the respondent brutally manhandled the petitioner in connection with dowry. On 26.10.2010 the parents of the respondent verified the ornaments of the petitioner in order to ensure whether the ornaments are gold and confirmed that the ornaments are gold. When the petitioner questioned the above said act the respondent slapped on the cheek of the petitioner. In the month of December 2010 the respondent went to abroad. In the meantime the petitioner became pregnant. Even though the mother of the respondent demanded the petitioner to abort the child she was not amenable. On 03.08.2011 the petitioner delivered a female child. In the month of October 2011 the respondent came back to the native place from abroad. During such period also the respondent behaved in a cruel manner

towards the petitioner. In the month of March 2012 the respondent pledged 5 sovereigns of gold ornaments of the petitioner and went to abroad. The respondent and his parents misappropriated the paternal share amount of the petitioner. While so in the month of February 2013 again the respondent came back to the native place. On 18.05.2013, on 22.05.2014, 15.09.2014 and on 20.09.2014 the respondent brutally manhandled the petitioner. On 30.04.2015 the respondent and his parents manhandled the petitioner by demanding money and gold and finally driven out the petitioner and her child from the matrimonial home. The respondent had treated the petitioner with cruelty and finally deserted on 30.04.2015. The marital relationship between the petitioner and the respondent is irretrievably broken down and there is no chance for reunion. Hence the OP is filed for divorce.

3) The respondent remained ex-parte.

4) The power of attorney holder of the petitioner filed proof affidavit and Exts.A1 and A2 were marked.

5) Points for consideration are

1. Whether the respondent had treated the petitioner with cruelty?

2. Whether the respondent had deserted the petitioner for a continuous period of not less than two years immediately preceding the presentation of the petition ?
3. Whether the petitioner is entitled to a decree of divorce as prayed for ?

6) Heard the learned counsel for the petitioner.

7) **Point No.1 and 2:-** The petitioner is the wife of the respondent. They belongs to Hindu religion and governed by the provisions of the Hindu Marriage Act. The marriage between the petitioner and the respondent was solemnized on 21.10.2010 at Cherukol Sree Dharma Sastha-Subramanya Temple in accordance with the Hindu religious rites and ceremonies. Ext.A1 is the true copy of certificate of marriage. Ext.A2 is the power of attorney executed by the petitioner in favour of her sister. In the case at hand the petitioner is seeking a decree of divorce on the ground of cruelty and desertion. The respondent remained ex-parte and did not contest the case. The petition averments coupled with the proof affidavit filed by the petitioner would show that the respondent had treated the petitioner with

cruelty and finally deserted on 30.04.2015. Hence I find that the petitioner is entitled to a decree of divorce on the ground of cruelty and desertion.

In the result, the petition is allowed as follows:-

The marriage between the petitioner and the respondent solemnized on 21.10.2010 is declared dissolved under section 13 (1) (ia) & (ib) of the Hindu Marriage Act with effect from today. No order as to costs.

(Dictated to the Confidential Assistant, typed by her, corrected by me and pronounced in open court on this the **16th day of April, 2026**)

Sd/-
Abdul Jaleel.A
Judge

Appendix:-

Exhibits marked for petitioner:-

A1	20.10.2010	Marriage certificate issued by Sree Dharma Sastha Subramanya Temple, Cherukol.
----	------------	--

A2	--	Power of Attorney
----	----	-------------------

Witness examined for petitioner:-

Proof Affidavit	06.02.2026	Renjini (Power of Attorney holder of petitioner)
-----------------	------------	---

Id/-
Judge

