

IN THE FAMILY COURT, ADOOR

Present: Rejula. P.V, Judge

Friday the 27th day of March, 20266th day of Chaithra 1948.S.E.**OP(SMA)528/2025**

Between:-

Athira.B., aged 31 years,	}	
D/o.T. Bijulal, Sreekrishna Vihar,	}	
E.V.Nagar, Karuvatta, Adoor.P.O.,	}	
Peringanad Village, Adoor	}	
Taluk, Pathanamthitta Dist.	}	
Pin-691 523	}	
Represented by Power of Attorney	}	
Holder T. Bijulal, aged 56 years,	}	Petitioner
S/o.A.K.Thankappan,	}	
Sreekrishna Vihar, E.V.Nagar,	}	
Karuvatta, Adoor.P.O.,	}	
Peringanad Village,	}	
Adoor Taluk,	}	
Pathanamthitta Dist.	}	
Pin- 691523.	}	
(By Adv. Bino George)		

And:-

Jinu Joy, aged 31 years,	}	
S/o. K. Joy, Puthuvelil Veedu,	}	
Elakolloor.P.O.,Pramadom Village.	}	Respondent
Konni Taluk,Pathanamthitta Dist.	}	
(Exparte)		

This petition is coming on for hearing on 26.03.2026 and having stood over for consideration on 27.03.2026 the court delivered the following.

JUDGMENT

Petition for dissolution of marriage U/S. 27(1)(d) of the Special Marriage Act.

2. Petitioner's case, in brief, is as follows: - Marriage between petitioner and respondent, who were in love, was registered on 04.04.2016 at Sub Registrar Office, Konni, Pathanamthitta as per Special Marriage Act. No issues were born out of their wedlock. While petitioner was studying for Dialysis course at Muthoot Medical Centre, Kozhencherry, she developed a friendship with respondent through Facebook in 2013 and respondent proposed her. Due to respondent's frequent online chats and subsequent close personal interaction, petitioner fell in love with him. Respondent made the petitioner to believe that he is a graduate, awaiting visa for an assured managerial position in Gulf and his family has financial capacity to support them till they begin to earn. Petitioner's parents were against the affair and advised them to wait for completion of her course and till respondent gets settled in Gulf and both become self sufficient.

3. Petitioner belongs to a well to do middle class family. On enquiry, her parents knew that respondent was only a tile worker hailing from a below average family and has poor education. His father is a mason, his mother a labourer and his brother is also a tile worker. The family only had a sub standard living condition. So petitioner's family strongly objected the affair. But petitioner stood adamant and resisted their objection with tears and fasting. Respondent induced petitioner for register marriage. He made her to believe that their marriage has to be held urgently as an abundant caution to overcome her parent's objection, or else, they may shift her somewhere. Respondent took petitioner along with him using some skillful tactics and drama and registered the marriage on 04.04.2016. Thereafter he took petitioner to his home for which his parents had no objection.

4. At the initial days of marriage, petitioner and respondent lived together as husband and wife at respondent's house. Thereafter petitioner's parents were compelled to accept the marriage and petitioner and respondent started to live at petitioner's house at Adoor. Petitioner's parents gave 25 sovereigns of gold ornaments and ₹5,00,000/- to the petitioner which were received by respondent's parents as trustees in the presence of respondent. Respondent and his parents took the gold to a gold smith and checked its purity and weight which caused uncomfortable to the petitioner. Thereafter they were kept and used by respondent and his parents. Marital relationship between petitioner and respondent became strained from the very beginning. Petitioner understood that respondent is a severe alcoholic. After using alcohol, he became violent and irritated without any reason. He had no inhibition in appearing in drunken and shabby condition before family members and public. He was intoxicated most of the time and never gave any respect or affection to the petitioner even at the most intimate moments. Even sex between them was a mechanical process and a formality. Petitioner's tearful requests and misery did not make any change to his character. Respondent used to physically and mentally torture petitioner. Petitioner's mother also supported him saying that she came without any dowry. Respondent who had no job or income had no financial background to maintain petitioner. He used to physically manhandle petitioner before his family members. His family was living in a pathetic home with no income or social status. They were deep in debt and petitioner was literally starving there. Many of his friends were involved in illegal activities and police cases.

5. In 2018, petitioner and respondent shifted to petitioner's house at Adoor and respondent went to Kuwait as a waiter at the instances of petitioner and her parents. Petitioner began working at Travancore Central School, Adoor. At that time also respondent never maintained petitioner. He used to call petitioner in drunken condition and shower filthy language on her. In December 2020, he came for two month's leave and stayed at petitioner's house till he returned. In 2021, petitioner joined a school in Bidar, Karnataka State as a teacher. By this time respondent became more and more addicted to alcohol and he was a poor performer at his work place at Kuwait. Many times he put to admonition and disciplinary action due to dereliction of duty. At last he lost his job and returned in 2022. Respondent used to visit petitioner at her school in drunken, shabby, dirty, disgraceful and shaken condition and caused shameful and degraded situations to her. Respondent who used to appear in inebriated condition during family and social functions became a sorry figure before relatives and friends. Petitioner's parents who are members of an aristocratic family in the locality, suffer great social disrespect.

6. Respondent who is also a paranoid used to raise unreasonable doubts about petitioner's chastity and gestures connecting any male she talks to, let it be neighbours or even her relatives. When petitioner informed these to his parents, they asked her to accept it as part of his character. He always seemed arrogant and had no inhibitions in insulting and abusing petitioner with filthy language before neighbours, relatives and even strangers. His mother also ill treated her demanding more paternal share. He locked petitioner in the bedroom several times, put her

to starvation and tortured badly to meet his demand for procuring more paternal share. When she hesitated, he caught hold of her hair, lifted her from the bed and slapped violently on her cheek. Petitioner's parents with the help of mediators made a temporary reconciliation and she returned to the midst of further torture.

7. Respondent gets only a meager income which he utilises for himself. He never maintained petitioner or give any care or protection to her. He treated petitioner like an animal for his sadistic pleasure without giving any kind of human consideration. He often told her that he is prepared to divorce her for a more beautiful girl, who will come with a good amount as dowry. Though petitioner tried to have a peaceful life, respondent's cruel behaviour worsened and he continued to ill treat and manhandle her. He used to wander and enjoy with his friends and returned home heavily drunk at midnights. Petitioner's parents tried to help her and her father gave ₹1,00,000/- to settle respondent's debts. Respondent brutally attacked petitioner if the money asked for was not given. He used to call petitioner over phone from far away places and threaten to kill her. All attempts to persuade respondent to lead a good family life failed due to his negative attitude and arrogance. Marital relationship between them became extremely miserable causing severe mental agony and depression to the petitioner. On 29.10.2022, when petitioner and her parents sought police assistance, respondent deserted petitioner. Marital relationship between petitioner and respondent became irretrievably broken down and they filed joint petition for divorce as OP(SMA) 525/2024 before this court. But respondent neither attended for counselling nor turned up for enquiry

before the court. Thus, the OP was dismissed on 31.07.2025. Continuing the marriage will cause irreparable hardship and injury to the petitioner. Thus, this petition.

8. Respondent who was served with summons remained absent and he was set exparte. Thereafter power of attorney holder of petitioner was examined as PW1 and Ext. A1 marked.

9. Heard petitioner.

10. Following point arises for consideration: -

Is petitioner entitled to a decree dissolving her marriage with respondent?

11. **The point:** - Unchallenged evidence of PW1 (power of attorney holder of petitioner) prove that petitioner married respondent on 04.04.2016. Ext. A1 is the copy of marriage certificate. Thereafter respondent treated petitioner with cruelty in such a way that she is not in a position to continue marital relationship with him. Since 29.10.2022, respondent has deserted petitioner. Thus, petitioner is entitled to dissolve her marriage with respondent.

In the result, this petition is allowed and decree is passed dissolving the marriage between petitioner and respondent solemnized on 04.04.2016 from the date of this decree. No costs.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on this the 27^h day of March 2026.

Sd/-
REJULA P.V.
JUDGE

AppendixExhibits marked for the petitioner:-

A1 - Marriage certificate issued by Marriage Officer, Konni
dated 04.04.2016.

Exhibits marked for the respondent: NilWitness examined for petitioners:

PW1 - 26.03.2026 - T.Bijulal.

Witness examined for Respondent: Nil

Id/-

JUDGE

Typed by : Leelammal

Compared by: Jishendu.V.S.Dev

Fair/Copy of Judgment in
OP.(SMA)528/2025
Dated: 27.03.2026.

