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C.M.A.No.1/2026

IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE, SALEM.

PRESENT: Thiru. Swarnam J. Natarajan, M.L.,

Principal District Judge, Salem.

Monday, this the 10th day of August - 2026

C.M.A. No. 1/2026

CNR No. TNSA01-003906-2025

M. Ramchandrar

... Appellant

-versus-

Pachiyammal

... Respondent

Appeal against the Judgment and Decree dated 09.04.2025 in
H.M.O.P.No.49/2017 on the file of Subordinate Court, Sankari.

Between

M. Ramchandrar

... Petitioner

-versus-

Pachiyammal

... Respondent

The Appeal came up before me on 04.08.2026 for hearing in the presence of Thiru.S. Mohan, Advocate for the Appellant and Thiru.S.Christopher, Advocate for the Respondent and upon hearing both sides' arguments, perusing the documents, the cases having stood over for consideration till this day, this court delivered the following :

10.08.2026

Principal District Judge, Salem.



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JUDGMENT

The unsuccessful petitioner in H.M.O.P.No.49/2017 before the Subordinate Court, Sankari, had suffered an order of dismissal of the divorce application filed by him by judgment dated 09.04.2025, and being aggrieved and dissatisfied with the same, the present appeal is filed.

2. In the petition, the petitioner had stated that the marriage between the petitioner and the respondent was held on 10.07.2011 at Salem Edappadi Chinnappampatty Eswaran Temple according to Hindu Customs and Rites in the presence of family elders, relatives, and well-wishers, and reception was followed at Chinnappampatty Sengundar Marriage Hall and at K.R. Velappa Mudaliyar Janagi Ammal Hall.

(ii) After the marriage, during the wedlock, the respondent had given birth to one male child by name Lohith. Thereafter, the petitioner and the respondent lived together peacefully in the marital home only for 3 months. Taking advantage of the fact that the respondent's father is in politics and he used to listen to the words of the respondent, the respondent had caused humiliation to the petitioner and also committed cruelty. She had given a condition that the petitioner shall not have any



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contact with his parents and returned from her parents' house after 6 months of delivering the child and started complaining about the deficiency in the house of the petitioner. She also find fault with the petitioner for not earning sufficient income.

(iii) In 2014 May, the petitioner was assaulted by the respondent's father in the Sankari Main Road with chappal. And when the same was questioned by the petitioner along with his father by going to the house of the respondent again, the petitioner and his father were assaulted by the respondent's father with a wooden log at his house. The respondent continued her adamant attitude by listening to the words of her parents and started giving false complaints against him by sending petitions to his office, making allegations, and compelling the petitioner to live with her at her parents' house, leaving the matrimonial home.

(iv) When the same was not accepted by the petitioner, since 2014, the respondent is living separately without performing her marital obligations. So, having waited for a sufficient period, the petitioner felt that the respondent would not discharge her obligations. Hence, the present application is filed seeking for divorce on the ground of cruelty and desertion.



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3. The respondent filed counter before the trial court, denying the allegations made in the petition. She had admitted the marital tie between the petitioner and the respondent, as well as with regard to the child being born during the wedlock.

(ii) After the marriage, the petitioner and the respondent continued to live in the house of the respondent and on 19.05.2012, a male child by name Lohith was born. Till the child was 1 ½ years old, the respondent and the petitioner lived with her parents at their house. Even though the respondent got employment in Canara Bank as an appraiser, the petitioner imposed a condition that the respondent shall not go for employment. On his instructions, the respondent had not taken the job. Without informing the respondent, the petitioner had abandoned the child and the respondent leaving the matrimonial home and left the same even after several repeated attempts made by the respondent by calling the petitioner over phone, the respondent's calls were neglected purposefully by the petitioner.

(iii) While the respondent was going with her brother in a two wheeler on a day, the petitioner waylaid her and demanded the return of the mangalsutra tied by him and caused problem. When the respondent refused to give the thali, he came to the house of the respondent and demanded her father to return the thali. Thereafter, a



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Panchayat was convened by the petitioner making allegations as if the petitioner and his father were beaten by the respondent and Panchayat was held. In the Panchayat, the petitioner agreed to live peacefully with the respondent and taken the child along with them. The respondent also continued to perform her duties as a dutiful wife without having any contact whatsoever with her parents. However, the petitioner started suspecting the fidelity of the respondent by following her wherever she goes, and caused numerous trouble.

(iv) While the petitioner was beaten by a dog, the respondent's parents came to the house of the petitioner and taken the respondent and the child. From then onwards, the respondent continued to live with her parents along with her child, since then the petitioner had never met the respondent nor developed any contact with them. Hence, the respondent prays for dismissal of the application.

4. On the side of the petitioner, the petitioner was examined as PW1, one 3rd party witness by name Karuppusamy was examined as PW2 and Ex.P1 to Ex.P4 being the Marriage Invitation, Photograph taken during the marriage, Aadhaar card, Ration card were marked on the side of the petitioner. During cross-examination of RW1, two letters sent by the respondent to the working place of the petitioner to



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Agricultural Department to his senior making request for transfer of the petitioner to some other distance place were marked during cross examination of RW1. The respondent examined herself as RW1, the plaint copy in O.S.No.30/2014 and patta number 2026 were marked on the side of the respondent.

5. Findings of the trial court:-

The trial court was pleased to give a finding that after the incident alleged to have occurred in 2014 with regard to the respondent's father beaten the petitioner in the main road and thereafter when the petitioner went along with his father to question the respondent's parents, they were again beaten at their house. In this regard, a panchayat was convened in 2014. However, thereafter in till 2015, the petitioner and the respondent lived together at Kongunapuram Moolappadai by taking out a house for rent and thereafter shifted to V.Mettupalayam and constructed their own house and lived together till 2015.

(ii) So, the trial court has given a finding that the alleged incident occurred in 2014 had been pardoned by the petitioner and he cannot again rely upon the said incident to maintain his application for divorce on the ground of cruelty. While perusing Ex.P5 and Ex.P6 letters alleged to be sent by the respondent to the superiors



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of the petitioner, it is only stated that the petitioner is causing trouble to the respondent and that in the event if he is transferred to a distance place, the family problem will be resolved. The trial court further given finding that there is no materials produced to prove the cruelty being caused both verbally, physically, and mentally.

(iii) Till June 2015, the parties had lived together in the matrimonial home by taking out a house for rent and the application is filed in 2017. So, the allegations that the marital ties had been broken irretrievably has not been proved, hence the trial court was pleased to dismiss the original petition which had given cause of action for filing of the present appeal.

6. The points raised in the grounds of appeal:-

The trial court had miscalculated the date of desertion and cruelty and came to the wrong conclusion that there is no desertion by the respondent and the HMOP is not maintainable on the ground of desertion.

(ii) The trial court blindly erred in rejecting the application filed by the petitioner and erroneously accepted the false ground taken by the respondent and passed a prejudicial and biased order of dismissal.



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(iii) The petitioner was leading a separate life from 2014 and he was assaulted by the respondent's parents with their footwear in the month of May 2014, which incident has been clearly proved by the petitioner through his oral evidence. These aspects were failed to be considered by the trial court and erred in dismissing the application. The admissions made by the respondent in her cross examination that she is leading separate life from the petitioner since 2014, the admission in her cross examination itself is a vital point to record that the period of desertion is more than two years. That itself is sufficient for the ground of desertion in the application for divorce and erred in concluding that there is no ill-treatment by the respondent or torture against the petitioner and it is only an usual family wear and tear like any other family and erred in dismissing the application filed on the ground of cruelty.

7. The points for determination is :-

1. Whether the trial court failed to consider the fact that the appellant has been treated by the respondent with cruelty within the meaning of Section 13(1)(ia) of Hindu Marriage Act and failed to consider the fact that the prolonged separation of the parties since 2014 coupled with subsequent conduct is a relevant circumstances while deciding the fact that the appellant was subjected to mental cruelty?



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2. Whether the trial court failed to consider the fact that the complaint sent by the respondent to the appellant superior constitutes mental cruelty and the judgment and decree passed by the trial court is to be dismissed by setting aside the same and the divorce is to be granted?

8. The arguments advanced by the appellant is that the parties commence their matrimonial home after marriage. According to the appellant, the matrimonial relationship remained cordial only for 3 months, thereafter, serious difference arose between them and the relationship progressively deteriorated. The appellant counsel further contended that the respondent taking advantage of the social and political influence and her parents' resources in their family, particularly the political position of her father, compelled him to reside in the house of her parents, which was not comfortable to the petitioner to reside with such arrangements and contributed substantially to the deterioration of the matrimonial relationship.

9. The appellant further contended that the parties were living separately from the year 2015 and there has been no meaningful resumption of matrimonial life thereafter. The trial court erred in dismissing the application on the ground that it is only a normal wear and tear in the matrimonial life. The appellant counsel contended that the respondent had made two complaints against the petitioner to his superiors in



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his government employment, wherein the petitioner is working as an agricultural officer in the local town. According to him, the said complaints were not merely private matrimonial grievance, but had the effect of exposing him to embarrassment and affecting his dignity and reputation in his place of employment.

10. The respondent though had resisted the application and denied the allegations of cruelty, she did not take steps for reunion by filing necessary application under the provisions of restitution of conjugal rights and no willingness was expressed in the court by the respondent to live with the petitioner. The respondent had never specifically denied the physical assault made by her father. However, on the ground that no eyewitnesses were examined to establish the said incident, the allegations were disbelieved by the trial court.

11. With regard to mental cruelty, Section 13(1)(ia) of Hindu Marriage Act provides for dissolution of marriage where the either party has after solemnization of the marriage, treated the petitioner with physical or mental cruelty. The expression cruelty has deliberately not been defined exhaustively under the Hindu Marriage Act. It is therefore a concept which has to be applied having regard to the terms facts and circumstances of each matrimonial relationship. Admittedly, the petitioner is



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employed, working in Government service as an Assistant Agricultural Officer in the same town and the respondent is a school teacher working in government school on temporary basis. Her father is a popular political person in the local area, and after the marriage, the petitioner was made to reside only in the house of the respondent for 3 months and thereafter when the respondent gave birth to the child, the petitioner was again made to reside in the house of the respondent in her parents' house.

12. The expression cruelty has been explained in several judgments of the Hon'ble Supreme Court, and the cruelty broadly consists of conduct which causes mental pain and suffering that the parties cannot reasonably be expected to live together. The test is therefore not whether every unpleasant incident amounts to cruelty or not. The test is whether the conduct complained of, viewed objectively and in the context of entire matrimonial relationship, is of such a nature that the earning spouse cannot reasonably be expected to continue the relationship.

13. Mental cruelty does not necessarily leave a physical mark, its effect may be psychological, emotional, as well as reputational. The entire matrimonial relationship and the life of the individuals must be assessed as a whole and that trivial irritations, ordinary quarrel and normal wear and tear of the matrimonial life cannot by



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themselves constitute cruelty. At the same time, the court recognized that sustained conduct, studied neglect, indifference or a course of behaviour which causes deep mental suffering may constitute mental cruelty. The court is therefore required to avoid two extremes.

14. On the one hand, every disagreement between spouses cannot be elevated into cruelty. On the other hand, a prolonged course of conduct cannot be reduced to normal wear and tear merely because there was no single dramatic incident. The entire matrimonial relationship has to be examined carefully on the principles rendered by the Hon'ble Supreme Court on the law of divorce on the ground of cruelty. In the present case, the evidence does not disclose a marriage which, despite occasional quarrel, continue substantially as a functioning matrimonial relationship.

15. The parties lived together only for about 3 months, thereafter the relationship became strained and the parties have admittedly lived separately since 2014. Thereafter, during a temporary phase in 2015, they had taken out a house for rent and lived together for certain period, thereby this court finds that the period of separation is therefore not a temporary phase of matrimonial discard. It had extended for several years from 2015 till this date. The appellant had consistently asserted that the



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matrimonial relationship had ceased to exist in substance and that he cannot reasonably be expected to continue the marital relationship.

16. The trial court, in my considered view, approached the matter too narrowly when it characterized the relationship merely as one involving the ordinary wear and tear of married life. Normal wear and tear presupposes the continued existence of matrimonial relationship in which the parties retain the essential elements of companionship, trust, communication and mutual respect. The facts before this court disclose something substantially more serious. A marriage which remains functional only for few months, altogether for three months and thereafter, after Panchayat convened for 6 months, and thereafter remained in a state of prolonged separation without restoration of normal matrimonial life.

17. The more important circumstance is the making of two complaints by the respondent to the appellate superiors to his office. At the outset, a spouse is not prohibited from making a genuine complaint merely because the other spouse is employed in Government service. If there is a genuine criminal conduct, act of corruption or misconduct, threat to safety, abuse of official position or any other matter legitimately falling within the jurisdiction of the employer, the authority



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cannot be prevented from taking appropriate action merely because the parties happen to be husband and wife.

18. On the other hand, the mere fact that the complaint is made to an employer cannot automatically constitute matrimonial cruelty. Thereby the court shall examine the nature, context, purpose, and the consequence of the complaint. A complaint sent to the superior authority of a Government servant is quantitatively different from a private communication between two individuals. Government service is governed by discipline, hierarchy, and administrative accountability. A complaint addressed to a Superior Officer necessarily enters the official domain. It may lead to correspondence, explanation, verification, preliminary inquiry and other administrative action. Consequently, whereas spouse repeatedly invokes the official machinery of the other spouse's employment in the course of a matrimonial dispute and the conduct is found to have been intended or reasonably calculated to humiliate, intimidate or undermine the professional reputation of the spouse, the same is capable of constituting mental cruelty.

19. The court must, however, be careful not to create a rule that every complaint made by a wife against a government servant constitutes cruelty. The Hon'ble



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Supreme Court in several cases was pleased to give a finding that when a spouse persistently seeks to damage the professional standing of the other, the matrimonial wrong may extend beyond the private sphere and become mental cruelty.

20. Two complaints were made by the respondent to the appellate superior officer cannot be considered in isolation. They have to be viewed against the background that the matrimonial relationship was harmonious only for three months and thereafter serious difference arose and since 2015 the parties are living separately and the appellant had approached the court for dissolution of marriage and he cannot continue the matrimonial relationship with the respondent and the respondent address two complaints to his superiors and no effective restoration of matrimonial life had taken place for several years.

21. The appellant had alleged that the respondent's father physically assaulted him in the street as well as when he took his father to the house of the respondent, again he was assaulted. The said allegation is serious. However, the evidence is insufficient to establish the incident to the standard required even in a matrimonial proceedings. No eye witnesses were examined and there is no adequate corroboration on the



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evidence let in. However, this court finds that the said incident, though was alleged in the petition, was never denied in specific by the respondent during cross examination.

22. The appellant had instituted the divorce application in the year 2017. However, the respondent failed to initiate any proceedings seeking for restitution of conjugal rights. The marriage between the petitioner and the respondent was harmonious only for 3 months, thereafter their relationship deteriorated and the parties have remained apart for several years. Considering the above circumstances, this court finds that the appellant had suffered sustained mental agony and the matrimonial relationship has deteriorated beyond the point where he can reasonably be expected to continue living with the respondent as her husband.

23. Where the parties are living separately for more than a decade and the evidence demonstrates that the matrimonial relationship has ceased to function, a direction for reconciliation must be considered realistically. In the present case, the appellant had categorically stated that he cannot continue the relationship and the parties have not resumed the matrimonial life despite passage of several years and thereby this court finds that on cumulative assessment of the pleadings, oral and documentary evidence, and the surrounding circumstances, we hold that the appellant



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had established the ground of mental cruelty under Section 13(1)(ia) of the Hindu Marriage Act and the prolonged separation and complete failure of the matrimonial relationship reinforces the conclusion that the continuation of the matrimonial relationship has become unreasonable and oppressive for the appellant and this court finds that the appellant had established mental cruelty and the trial court's judgment requires interference in the appeal.

In the result, this court finds that the appellant had established mental cruelty and the trial court's judgment requires interference in the appeal. Consequently, the judgment and decree passed by the learned Subordinate Judge, Sankari in H.M.O.P. No.49/2017 dated 09.04.2025 is hereby set aside in the appeal and the marriage solemnized between the appellant and the respondent on 10.07.2011 is hereby dissolved by way of decree of divorce on the ground of mental cruelty.

(ii) The respondent, since working as a temporary teacher in Government School, she is not entitled for permanent alimony, and there is no claim with respect to return of articles, sridhan, jewels, etc., as the parties have lived only together for 3 months and from 2015 onwards, there is no claim towards return of articles, sridhan,



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jewels from the respondent. Accordingly, this Civil Miscellaneous Appeal is allowed.

No costs.

Dictated to the Steno-Typist, taken by her in shorthand, transcribed and typed by her with the help of voice recorder, and Microsoft 365, corrected and pronounced by me, in the open court, this the 10th day of August - 2026.

**Principal District Judge,
Salem.**

Annexure:-

Appellants' side witnesses and documents:-

-Nil-

Respondents' side witnesses and documents:-

-Nil-

**Principal District Judge,
Salem.**

Copy to :-

The Subordinate Judge, Sankari.

10.08.2026

Principal District Judge, Salem.