



IN THE COURT OF THE FIRST ADDITIONAL DISTRICT JUDGE,
TIRUNELVELI.

PRESENT: Thiru. D. Selvam, M.L.,
1st Additional District Judge,
Tirunelveli

Friday, the 14th day of August 2026

D.O.P. No. 279/2025
(CNR No.TNTL01-007329-2025)

Mr. P. Francis Jebamalai

... Petitioner

// Versus //

Mrs. Sahayarani

... Respondent

This petition came before this Court on 01.08.2026 for a final hearing in the presence of Thiru. S.R.M. Kumarezh, Advocate for the Petitioner and Thiru. M. Karuthapandi, advocate for the respondent, counter not filed, called absent and set exparte, and upon hearing the argument of the petitioner's side and on perusing the records and having stood over till this date for consideration, this Court delivers the following ...

ORDER

1. This petition has been filed by the Petitioner under Section 32 of the Indian Divorce Act for restitution of conjugal rights with costs.

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

The marriage was solemnized between the petitioner and the respondent on 25.05.2012 by the Christian religious customs and rites at St. Savior of the World



Church, Nanguneri. After marriage, the petitioner and respondent lived as husband and wife in the petitioner's house as a joint family. The petitioner was working as an electrician. Out of wedlock, the respondent blessed a male child, namely Dony, on 18.06.2013 and another male child, namely Lutson, on 18.01.2017. The child Dony has been studying in 7th Standard and the child Lutson has been studying in 4th Standard. After the marriage, the petitioner went to Bahrain for employment in 2013. During the employment, the respondent received the earnings of the petitioner and converted to jewels, movable and immovable properties. Then, the petitioner returned home in September 2019. But the respondent has not treated the petitioner as her husband and compelled her to go abroad for employment, and she went to her parents' house and not returned to the matrimonial home. The petitioner asked the respondent on 25.05.2024 to come to his house in Munanjipatti and live together as a family. But the respondent abused him disrespectfully and continues to live separately and does not permit him to see his children. After 25.04.2024, the respondent stopped speaking to the petitioner. She has also been preventing the petitioner from seeing the children. The petitioner sent a notice through an advocate, dated 23.05.2025, and called the respondent to come to the house in Munanjipatti where he resides to live with him as a family and to hand over the children to him. Upon receipt of the afore-mentioned notice, the respondent sent a reply notice dated 18.07.2025 through their counsel. Then, the petitioner met the respondent and



negotiated for reunion for the welfare of the child, but it was willfully rejected by the respondent. Hence, the petitioner filed for restitution of conjugal rights with costs.

3. The respondent has appeared through her counsel and attended the mediation process. But the respondent has not filed a counter and set exparte.

4. The Point for determination in the petition is:

Whether the respondent is entitled to the relief of restitution of conjugal rights as prayed for?

5. During the enquiry, the petitioner, Mr. P. Francis Jebamalai, was examined as PW-1 and Ex. P-1 to Ex. P-6 was marked.

6. Answered the Point:

6.1. Heard. This court carefully perused the petition and oral and documentary evidence.

6.2. The petitioner has filed the restitution of conjugal rights. In this regard, the petitioner has filed the PW-1 proof affidavit in line with his petition. The petitioner has marked documents as the Ex. P-1 Marriage Invitation, Ex. P-2 Marriage Photograph, Ex. P-3 Extract of the Marriage Certificate, Ex. P-4 Legal notice sent by the petitioner to the respondent dated 23.05.2025, Ex. P-5 Reply notice sent by the respondent to the petitioner dated 18.07.2025, Ex. P-6 Aadhaar card of the petitioner.



6.3. Marriage: -

(i) As per the pleadings and the evidence of the PW-1, and the Ex. P-1 Marriage Invitation, Ex. P-2 Marriage Photograph, Ex. P-3 Extract of the Marriage Certificate proved that the fact of the marriage was solemnized between the petitioner and the respondent on 25.05.2012. The parties have not disputed the marital relationship.

(ii) The petitioner went abroad for employment for the welfare of the family, and the respondent received his earnings and converted to jewels, movable and immovable properties in her name. Now the petitioner returned home, and the respondent has not come to live together and compelled him to go abroad for employment. The respondent has not given proper respect and treated him in a different manner and has not permitted him to see his children. So, the petitioner issued the Ex. P-4 Legal notice issued. But the respondent received the notice and deserted the petitioner without any valid reason and has not come to live with him.

6.4. Adverse Presumption:

At this stage, the respondent has not filed a counter, even though she appeared through the advocate and participated in the mediation and did not come forward to deny the allegations. Hence, this court has taken the adverse presumption against the respondent under Section 118(g) of the BSA, 2023. As stated above, this court accepted the evidence of PW-1 and the allegation stated in the petition. So, this court



would like to allow the petition for restitution of conjugal rights by the interest of justice.

7. In the result,

(i) This petition is allowed.

(ii) The court directs the respondent to live with the petitioner and his children.

(iii) No order for cost.

Dictated to the Steno-typist directly and typed by her on the computer, corrected and pronounced by me in the open Court, on this the 14th day of August 2026.

1st Additional District Judge,
Tirunelveli

Petitioner's side witnesses:

PW-1	Thiru. P. Francis Jebamalai - Petitioner
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Petitioner's side documents:

Ex. P-1	25.05.2012	Marriage Invitation	Original
Ex. P-2	---	Marriage Photograph	Original
Ex. P-3	25.05.2012	Extract of the Marriage Certificate	Photocopy
Ex. P-4	23.05.2025	Legal notice sent by the petitioner to the respondent	Photocopy
Ex. P-5	18.07.2025	Reply notice sent by the respondent to the petitioner	Photocopy
Ex. P-6	---	Aadhaar card of the petitioner	Photocopy

1st Additional District Judge,
Tirunelveli.

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Draft / Fair Order
Dated: 14.08.2026
