

**IN THE COURT OF THE PRINCIPAL SUBORDINATE JUDGE,  
CHEYYAR.TIRUVANNAMALAI DISTRICT.**

**Present:** Thiru.N. Suresh, M.L.,  
Principal Subordinate Judge, Cheyyar

Monday, the 01<sup>st</sup> day of June 2026

**H.M.O.P. 47/2023 and H.M.O.P. 153/2023**

**H.M.O.P. No.47/2023**

Sathiskumar

.... Petitioner

/Vs/

Jayapriya

... Respondent

**H.M.O.P.No.153/2023**

Jayapriya

...Petitioner

/Vs/

Sathiskumar

...Respondent

These petitions coming before me for final hearing on **30.04.2026** in the presence of **Thiru G.Ashok**, Advocate for the Petitioner in H.M.O.P.No.47/2023 and Advocate for the Respondent in H.M.O.P.No.153/2023 and the **Tr. P.Silambarasan**, Advocates for the Respondent in H.M.O.P.No.47/2023 and Advocate for the petitioner in H.M.O.P.No.153/2023 and upon hearing both sides and having stood over for consideration till this day, this Court delivered the following.

**COMMON ORDER****H.M.O.P.No.47/2023**

Petition Under Section 13(1) (i-a) of Hindu Marriage Act 1955 to dissolve the Marriage between the Petitioner and the respondent dated 06.03.2022.

**1. THE ALLEGATIONS IN THE PETITION IN H.M.O.P. 47/2023:**

1.1. The marriage between the petitioner and the respondent was solemnized on 06.03.2022 at the Vanniyakula Kshatriya Marriage Hall, Cheyyar Town, as arranged by the elders of both families. After the marriage, both parties stayed for four days at the respondent's house in Thandappanthangal village. During that period, according to the petitioner, the respondent did not even attend to her routine personal activities on her own.

1.2. The petitioner states that, since the marriage was new, he initially believed the respondent's conduct would improve over time. However, the respondent would bathe only if instructed to do so and would eat food only when told by others. Otherwise, she would remain silent and inactive. Even during nighttime, she would not speak to the petitioner and would simply lie down quietly. The petitioner was unable to understand her conduct in the initial days of marriage and later brought the respondent to his own residence after staying four days at her parental home.

1.3. According to the petitioner, after the respondent came to his house, her behaviour continued in the same manner. She allegedly would not do any household work on her own and would eat only when instructed either by the

petitioner or his family members. If she sat in one place, she would continue sitting there until someone asked her to get up and eat, after which she would again go back and sleep.

1.4. The petitioner further states that he initially believed the respondent might have been behaving in such a manner due to fear or unfamiliarity with the new environment. However, even after ten days there was no change in her conduct. Therefore, the petitioner took the respondent back to her parental home at Thandappanthangal village and informed her parents about her behaviour, requesting them to advise and counsel her. During the three days when she stayed there, the petitioner contacted her over phone, and she allegedly replied that she would either sleep or watch television and then disconnect the call.

1.5. Thereafter, when the petitioner again visited the respondent's house after three days, the respondent's mother had prepared food. The petitioner told her that the respondent did not know how to do any household work and requested that his wife prepare food for him. However, the respondent's mother dismissed the issue casually and asked him to eat. The petitioner thereafter brought the respondent back to his house.

1.6. Subsequently, the respondent continued to behave in the same manner even after returning to the petitioner's house. Later, when the respondent developed stomach pain, the petitioner took her to Dr. Balaji at Cheyyar for treatment. During examination, the doctor enquired about previous medical treatment, and upon contacting the respondent's father, medical records relating to treatment undergone by the respondent during infancy were produced. Based on blood tests and the medical records, the doctor allegedly informed the petitioner that the respondent had been suffering from thyroid disease from infancy, affecting her mental, physical and intellectual

development, and further opined that her behaviour resembled that of a small child.

1.7. The petitioner further alleges that, upon being questioned, the respondent's father admitted before the doctor that the respondent had been suffering from thyroid disease since childhood and that the true condition had been concealed before marriage believing that marriage would improve her condition. Thereafter, at the request of the respondent's father, the petitioner returned the respondent to her parental home along with her belongings and jewels. The petitioner subsequently issued a legal notice dated 15.06.2022 alleging suppression of material facts regarding the respondent's medical condition and has now filed the present petition seeking annulment of the marriage dated 06.03.2022 on the ground that the parties are unable to lead a normal matrimonial life together.

## **2. THE AVERMENTS IN THE COUNTER IN H.M.O.P .47/2023:**

2.1. The respondent herein vehemently denies all the allegations and averments made by the petitioner in the original petition except those that are specifically admitted herein.

2.2. The averments stated in the petition are false, frivolous, and fabricated. Except those facts specifically admitted by the respondent, the petitioner is put to strict proof of all other allegations made in the petition.

2.3. With regard to the averments made in Paragraph No. 3 of the petition, the respondent admits only the fact that the marriage between the petitioner and the respondent was solemnized on 06.03.2022 at Vanniyakula Kshatriya Marriage Hall, Cheyyar Town. At the time of marriage, the respondent's family paid a sum of Rs.5,00,000/- (Rupees Five Lakhs only) in

cash to the petitioner's family. Further, 17 sovereigns of gold jewels were given to the respondent and 4 sovereigns of gold jewels were given to the petitioner. A sum of Rs.20,000/- was also given to the petitioner towards wedding clothes. In addition, household articles such as cot, bureau, refrigerator, washing machine, and other seer articles worth about Rs.2,00,000/- were provided. The marriage was conducted in a grand manner by the respondent's parents.

2.4. The respondent vehemently denies all the allegations made by the petitioner in Paragraph Nos. 5 to 20 of the divorce petition except those specifically admitted herein. The allegations made by the petitioner are false and baseless. The petitioner, along with his parents, has intentionally made false and defamatory allegations against the respondent with an ulterior motive to drive her away from the matrimonial home and arrange for the petitioner's second marriage without any lawful justification.

2.5. The allegations made by the petitioner in Paragraph Nos. 5 to 9 stating that the respondent would bathe only if instructed, eat only if told to do so, remain silent without speaking, and sit idle without doing any household work are absolutely false and denied in toto. The respondent was regularly attending to all household duties in the matrimonial home.

2.6. The true facts are that after the marriage held on 06.03.2022, the customary "Shanthi Muhurtham" was conducted in the respondent's house. There was no misunderstanding or marital dispute between the petitioner and the respondent. After two days, the respondent went to the petitioner's house and their marital relationship was cordial without any issue. The respondent carried out all household work diligently. Subsequently, the respondent came to know that the petitioner was unemployed and roaming around without engaging in any work.

2.7. Prior to the marriage, in the year 2022, the petitioner contested in the Nagaratchi Election for the post of Ward Member in Ward No.12 and lost the election. About ten days after the marriage, the petitioner demanded the respondent's jewels stating that he had to settle the debts incurred during the election. Believing his words, the respondent handed over her jewels to the petitioner. Thereafter, the petitioner either pledged or sold the jewels, and the respondent is unaware of their whereabouts till date.

2.8. Thereafter, within one month of marriage, the respondent experienced difficulty in urination. The petitioner took the respondent to a gynecologist, whereupon the doctor informed that the respondent was suffering from Hypo Thyroidism. Thereafter, the petitioner forcibly took the respondent to her parental home and left her there.

2.9. On the very next day, the respondent's parents took her to another private hospital for medical examination, where it was confirmed that the respondent was pregnant. Thereafter, monthly check-ups were conducted, and the doctors repeatedly informed that the child was developing normally without any complications.

2.10. The respondent's father informed the petitioner and his parents about the pregnancy and requested them to take the respondent back to the matrimonial home. However, there was no proper response from the petitioner's side. Thereafter, the respondent's father himself took the respondent to the petitioner's house, but again the petitioner sent her back to her parental home by citing thyroid-related issues.

2.11. Subsequently, the respondent lodged a complaint before the All Women Police Station, Cheyyar. Based on the said complaint, counselling was conducted at Tiruvannamalai for both parties. During the counselling, the

petitioner, using his political influence, falsely projected that the respondent had thyroid-related problems and insisted that the pregnancy be terminated before taking her back to the matrimonial home. At that time, the respondent was already three months pregnant.

2.12. Fearing danger to the respondent, her father took her back home. Thereafter, the respondent underwent regular treatment and monthly check-ups at the Government Hospital, Perunkattur, and later continued treatment from the sixth month onwards at C.M.C. Hospital, Vellore.

2.13. The allegations made by the petitioner in Paragraph Nos. 10 to 12 are absolutely false and denied. The petitioner falsely alleged that the respondent suffered from brain-related developmental issues and lacked normal mental growth and understanding. In fact, the respondent was only suffering from Hypo Thyroidism and nothing more. The petitioner was fully aware of the respondent's thyroid condition even prior to the marriage.

2.14. The allegation that the respondent did not undergo treatment for thyroid disease is false. The respondent had been undergoing treatment in private hospitals from a young age. The allegation that the respondent's family suppressed her medical condition before marriage is also false. On the contrary, when the respondent's family informed the petitioner's family about the thyroid condition, the petitioner's parents themselves stated that similar issues existed in their family as well and assured that they would take care of the respondent after marriage.

2.15. Thereafter, when the respondent's father approached the petitioner's family regarding conducting the "Seemantham" ceremony, the petitioner and his family insisted that the pregnancy should be terminated on the ground that the respondent had thyroid problems. This caused immense mental agony and

hardship to the respondent and her parents. The petitioner's family behaved in an uncivilized manner and insulted the respondent's parents.

2.16. Subsequently, the respondent's parents conducted the Seemantham ceremony in a proper manner. Thereafter, due to labour pain, the respondent was admitted in C.M.C. Hospital, Vellore, and on 17.12.2022, she delivered a healthy male child. The doctors confirmed that both the respondent and the child were healthy and free from complications. However, none from the petitioner's family came to see either the respondent or the child.

2.17. When the respondent's father questioned the petitioner as to why he had not visited the child, the petitioner demanded that a car be purchased for him, stating that the respondent's father was a Government employee working at Vembakkam. The respondent's father informed the petitioner that he had already spent nearly Rs.15,00,000/- towards the marriage expenses.

2.18. Since the respondent's family failed to provide the money and car demanded by the petitioner, the petitioner has filed the present petition by falsely attributing medical issues to the respondent. All allegations made in the petition are false, imaginary, and created solely for the purpose of obtaining divorce.

2.19. It was in fact the petitioner's father who subjected the respondent to cruelty on various pretexts and sent her out of the matrimonial home. The respondent had performed all her marital obligations as a dutiful Hindu wife. However, the petitioner failed to discharge his responsibilities towards the respondent and the child.

2.20. From the date of marriage, the respondent had been leading a proper marital life with the petitioner and fulfilled all her duties expected of a wife. Despite the same, the petitioner failed to perform his duties as a husband and father. On learning the true attitude and conduct of the petitioner and his parents, the respondent suffered severe mental shock and agony.

2.21. The petitioner has deserted and neglected the respondent without any lawful cause and is attempting to obtain divorce only with the ulterior motive of contracting a second marriage. Hence, the petition filed by the petitioner is not maintainable either in law or on facts, and the relief sought therein is liable to be rejected. The respondent is always willing and ready to join the petitioner and resume matrimonial life.

2.22. Therefore, it is humbly prayed that this Hon'ble Court may be pleased to dismiss the petition filed by the petitioner with costs and thus render justice.

### **H.M.O.P.No.153/2023**

Petition Under Section 9 of Hindu Marriage Act 1955 for Restitution of Conjugal rights directing the respondent to join the matrimonial home with the petitioner.

### **3. THE ALLEGATIONS IN THE PETITION IN H.M.O.P. 153/2023:**

3.1. The marriage between the petitioner and the respondent was solemnized on 06.03.2022 at the Vanniyakula Kshatriya Marriage Hall situated at Mandi Street, Cheyyar Town, in accordance with Hindu rites and customs, with the consent and blessings of the elders of both families. At the request of the respondent's family towards the marriage expenses, the petitioner's family paid a sum of Rs.5,00,000/- (Rupees Five Lakhs only) in cash to the respondent.

Further, at the time of marriage, 17 sovereigns of gold jewels were given to the petitioner and 4 sovereigns of gold jewels were given to the respondent. In addition, a sum of Rs.20,000/- (Rupees Twenty Thousand only) was given to the respondent towards clothing expenses for the marriage. The petitioner was also provided with household articles as “Seer Varisai,” including a cot, bureau, refrigerator, washing machine and other household items worth about Rs.2,00,000/- (Rupees Two Lakhs only). The marriage was conducted in a grand manner by the petitioner’s parents.

3.2. After the marriage, on the night of 06.03.2022, the customary “Shanthi Muhurtham” ceremony was conducted at the petitioner’s house. There were no differences of opinion whatsoever between the petitioner and the respondent. Thereafter, both of them went to the respondent’s house after two days. There was no problem in their matrimonial relationship. The petitioner used to perform all the household chores at the respondent’s house. Subsequently, the petitioner came to know that the respondent was not doing any work and was merely roaming around idly. However, the petitioner did not take it seriously. The petitioner’s father and the respondent’s father were friends and both were Government employees. Later, the respondent’s father retired from service. The respondent’s father had repeatedly requested the petitioner’s father, on account of their friendship, to arrange the marriage. The petitioner’s father had informed the respondent’s family several times that the petitioner was suffering from Hypothyroidism. The respondent’s father, one Munusamy, stated that his wife Lakshmi and daughter were also having the same issue and assured that they would take care of the petitioner. Believing the same, the petitioner’s father agreed to the marriage. Thereafter, both families discussed and finalized the marriage, which was conducted successfully.

3.3. While the petitioner was doing household work at the respondent's house, it was her father-in-law, Munusamy, who used to make her do all the work. After the respondent's father retired from Government service, he made it a practice to continuously burden the petitioner with work, while the respondent never bothered about the same. The petitioner and respondent were living as husband and wife peacefully. However, the respondent's father and mother began telling the respondent that the petitioner was suffering from Hypothyroidism, that she behaved like a child, and that she was not suitable for their family, thereby making false allegations against her. About one month after the marriage, the respondent left the petitioner at her parental home without informing her and went away. Thereafter, the petitioner's father, Sankar, went to the respondent's house and questioned them, stating that they had agreed to the marriage fully knowing that the petitioner had Hypothyroidism, and asked why they were now subjecting her to cruelty and mental agony. In response, the respondent's family abused the petitioner's father in filthy language and sent him away in humiliation and mental distress.

3.4. Prior to the marriage, in the year 2022, the respondent had contested in the Municipality Election as a Ward Member for Ward No.12 and lost the election. About ten days after the marriage, the respondent demanded the petitioner's jewels. When the petitioner questioned the reason, the respondent stated that he had to repay the debts incurred for election expenses and took away the petitioner's jewels. Till date, the petitioner does not know whether the jewels were pledged or sold by the respondent.

3.5. Thereafter, the petitioner started complaining of frequent urination. The respondent took the petitioner to a lady doctor for examination, and the doctor informed them that the petitioner was pregnant. After about 20 days, upon further monthly check-up, the doctor stated that the child was developing

normally and there were no defects whatsoever. Subsequently, the petitioner's father informed the respondent and his parents that the petitioner was pregnant and requested them to take her back to the matrimonial home. However, there was no proper response from the respondent's family. Thereafter, the petitioner's father himself took the petitioner and left her at the respondent's house. Subsequently, the petitioner was harassed by the respondent's family, who repeatedly told her that the child in her womb would not be born healthy. Thereafter, citing her pregnancy and thyroid problem, the respondent's family claimed that they would not be able to properly take care of her and left the petitioner at her parental home.

3.6. Thereafter, the petitioner lodged a complaint regarding the respondent's conduct before the All Women Police Station, Cheyyar. During the enquiry, both the petitioner and the respondent were referred for counselling at Tiruvannamalai. Taking advantage of his influence as a member of the ruling party, the respondent allegedly influenced the counselling process, wherein the petitioner was advised that she had thyroid problems and that the pregnancy should be terminated before she could be taken back to the matrimonial home. At that time, the petitioner was three months pregnant. Fearing danger to the petitioner, her father took her back home. Thereafter, the petitioner underwent monthly check-ups at the Government Hospital, Perunkattur, and the doctors recorded the same in medical records and advised her to continue regular check-ups. From the sixth month onwards, the petitioner underwent treatment at Christian Medical College Vellore.

3.7. Thereafter, when the petitioner's father approached the respondent and his parents regarding conducting the customary "Seemantham" ceremony for the petitioner, they stated that since the petitioner had thyroid problems, the

pregnancy should be terminated. This caused great mental agony and distress to the petitioner's father. Even though the petitioner's parents informed them that the child was healthy, the respondent's family continued to insist that the pregnancy be terminated on the ground of the petitioner's thyroid problem, thereby causing severe mental cruelty. They further stated that if the petitioner's family wished, they could conduct the Seemantham ceremony on their own. When the petitioner's father questioned the respondent's father as to why they were behaving in such an uncivilized manner, all the members of the respondent's family abused him in vulgar language and sent him away. Thereafter, the petitioner's family conducted the Seemantham ceremony in a proper manner. About one week later, the petitioner developed labour pain and was admitted in CMC Hospital, where she gave birth to a male child on 17.12.2022. The doctors informed that the child was healthy and had no medical issues whatsoever. However, none from the respondent's family came to see either the petitioner or the child.

3.8. Thereafter, when the petitioner's father questioned the respondent as to why he had not come to see the child, the respondent did not give any reply. The respondent also failed to attend the naming ceremony of the child despite being invited. If the petitioner and respondent are allowed to live separately from the respondent's parents, they would be able to lead a peaceful matrimonial life. However, the respondent's father has been preventing them from living together. The petitioner is still willing to reside with the respondent in the matrimonial home. The respondent's family further complained that the petitioner's family had not provided a two-wheeler vehicle to the respondent. The respondent's father repeatedly instigated the respondent to demand a car from the petitioner's father, who is working as a Government employee at

Vembakkam. The petitioner's father informed them that he had already spent nearly Rs.15,00,000/- (Rupees Fifteen Lakhs only) for the marriage and was not in a financial position to purchase a car immediately, but requested some time. Even now, the petitioner is willing to live with the respondent, but the respondent's parents are preventing the same.

3.9. The respondent's father, by citing various reasons, subjected the petitioner to cruelty and ultimately drove her out of the matrimonial home. The petitioner had discharged all the duties expected of a Hindu wife, whereas the respondent failed to perform any of his duties as a husband.

3.10. From the date of marriage, the petitioner had been leading a proper matrimonial life with the respondent. During their marital life, the petitioner faithfully performed all duties and services expected of a Hindu wife towards her husband. However, at the instigation of his parents, the respondent failed to show any affection or attachment towards the petitioner and neglected to perform his duties as a husband.

3.11. Even though the petitioner fulfilled all her marital obligations as a Hindu wife, the respondent failed to discharge his duties towards the petitioner and their child. Upon realizing the same, the petitioner suffered severe mental shock. The respondent has been rejecting the petitioner solely under the influence of his parents.

3.12. Thereafter, at the instigation of his parents, the respondent stopped listening to the petitioner and began neglecting and ignoring her. Despite tolerating all such conduct, the petitioner still desires to live peacefully with the respondent. However, the respondent, by making false allegations against the petitioner, has filed a divorce petition in HMOP No.47/2023, which is pending

before this Hon'ble Court. Hence, the petitioner has filed the present petition seeking dismissal of the said divorce petition and for appropriate reliefs.

3.13. Despite all the acts of the respondent, the petitioner, considering her own future life and the welfare and future of her child, still wishes to live peacefully with the respondent as husband and wife. Hence, the petitioner has approached this Hon'ble Court by filing the present petition.

3.14. The cause of action for the present petition arose within the jurisdiction of this Hon'ble Court at Cheyyar Taluk, namely, at Vanniyakula Kshatriya Marriage Hall situated at No.60, Mandi Street (Netaji Street), Cheyyar, where the marriage between the petitioner and respondent was solemnized on 06.03.2022; during the period when they resided together at the respondent's residence in Cheyyar Town after marriage; during the instances when quarrels frequently arose and the respondent assaulted the petitioner; when 17 sovereigns of gold jewels were given to the petitioner, 4 sovereigns to the respondent, along with seer articles and Rs.5,00,000/- towards marriage expenses; during the period when the respondent and his family demanded a car and subjected the petitioner to cruelty; when the respondent drove the petitioner out of the matrimonial home; when the petitioner lodged a complaint before the All Women Police Station, Cheyyar, and both parties were referred for counselling at Tiruvannamalai; during the petitioner's pregnancy; when the respondent insisted upon termination of pregnancy; when the petitioner repeatedly requested to join the respondent and resume matrimonial life; and during the occasions when the petitioner and her family members were abused and assaulted. Hence, this Hon'ble Court has territorial jurisdiction to entertain the present petition.

**4. THE AVERMENTS IN THE COUNTER IN H.M.O.P. 153/2023 :**

4.1. The petition filed by the petitioner is not maintainable either in law or on facts. The respondent herein strongly denies all the allegations and averments contained in the petition filed by the petitioner, except those specifically admitted herein. The petitioner is put to strict proof of all the allegations made in the petition.

4.2. The averments made in Paragraph No.4 of the petition stating that the marriage between the petitioner and the respondent was solemnized are true. However, the allegation that the petitioner's family paid a sum of Rs.5,00,000/- in cash to the respondent towards marriage expenses at the request of the respondent's family is absolutely false. No such amount was ever paid. The said allegation has been falsely invented by the petitioner for the purpose of this case. Likewise, the respondent has no knowledge about the allegation that 17 sovereigns of gold jewels were given to the petitioner at the time of marriage. It is true that only a cot, bureau and washing machine were given. No refrigerator was given. Further, the allegation that the marriage was conducted entirely by the petitioner's parents is false. In fact, the entire marriage expenses were borne only by the respondent's family.

4.3. The true facts are that the marriage between the petitioner and the respondent was solemnized on 06.03.2022 at the Vanniyakula Kshatriya Marriage Hall situated at Cheyyar Town, as arranged by the elders of both families. After the marriage, the petitioner and the respondent came to the petitioner's native village, Thandappanthangal, and stayed there for four days. During the said period, the petitioner did not even perform her daily routine activities on her own.

4.4. Since the marriage was newly solemnized, the respondent believed that everything would become normal after some time. However, the petitioner would take bath only if she was instructed to do so after waking up in the morning. Likewise, she would eat food only if somebody asked her to eat; otherwise, she would remain silent. During nighttime also, the petitioner would simply lie down without speaking anything to the respondent, who is her husband. As the marriage was new, the respondent was unable to understand the petitioner's behaviour. Thereafter, after staying in the petitioner's house for four days, the respondent brought the petitioner to his house.

4.5. From the day the petitioner came to the respondent's house, she did not do any household work on her own. Just as in her parental home, she would take bath only if instructed to do so after waking up in the morning. Likewise, she would take food only if the respondent or his family members asked her to eat all three meals. If she sat in one place, she would continue sitting there without moving unless someone instructed her otherwise. Thereafter, she would go and sleep on her own.

4.6. As the respondent was unable to properly understand the petitioner's behaviour, he initially thought that since the petitioner had newly entered a new household, she might be behaving in such a manner due to fear or shyness. However, even after ten days in the respondent's house, the petitioner would not do any work on her own and would act only upon instructions given by the respondent or his family members. Even for eating food, she would eat only if instructed to do so by the respondent or his family members.

4.7. Since there was no improvement in the petitioner's behaviour even after staying in the respondent's house for about ten days, the respondent took the petitioner to her parental home at Thandappanthangal village and informed

her parents about her conduct, requesting them to advise and counsel their daughter properly before sending her back. During the three days when the petitioner stayed at her parental home, the respondent contacted her over phone and enquired whether she had eaten, to which she would simply say that she had eaten. When asked what she was doing, she would state that she was watching television, and when further questioned, she would say that she would either sleep or watch television and then disconnect the phone call.

4.8. Thereafter, when the respondent visited the petitioner's house at Thandappanthangal village after three days, the petitioner's mother herself had prepared the food. At that time, the respondent told the petitioner's mother that her daughter did not know how to do any work and requested that his wife herself prepare and serve food to him. However, the petitioner's mother merely laughed and replied that there was nothing wrong, and asked him to eat. Thereafter, the respondent took the petitioner back to his house.

4.9. Even after the petitioner returned to the respondent's house and stayed there for another three days, her behaviour remained unchanged. While the respondent was still hoping that her behaviour would improve over time, the petitioner developed stomach pain, and therefore the respondent took her to one Dr. Balaji at Cheyyar Town for treatment. During the consultation, when the doctor enquired whether the petitioner had previously suffered from stomach pain, she replied in the affirmative. Thereafter, the doctor advised the respondent to enquire with his father-in-law whether there were any prior medical records relating to treatment undergone by the petitioner. Upon contacting the petitioner's father over phone, the petitioner's father handed over medical records showing that the petitioner had undergone treatment when she was six months old.

4.10. Based on the medical records furnished by the petitioner's father, the doctor advised that blood tests be conducted. Upon conducting blood tests, the doctor informed that the petitioner had been affected by thyroid disease from a very young age. After examining the earlier medical records, the doctor informed the respondent that the petitioner had been undergoing treatment for thyroid disease from the time she was six months old, but she might not have taken medicines properly as advised by the doctors. The doctor further stated that only if proper treatment had been given from childhood would normal brain development, thinking capacity and physical growth occur. However, since the petitioner had suffered from thyroid disease from infancy, her brain development and physical growth had not occurred properly. Based on her present conduct, the doctor opined that the petitioner was functioning with the mentality of a small child.

4.11. Thereafter, the respondent's father asked Dr. Balaji whether there could be any complications to a child born to the petitioner in such circumstances, to which the doctor replied that there could be complications affecting the child. At that time, the petitioner and her father were also present before the doctor, and the petitioner's father admitted that the petitioner had been suffering from thyroid disease since childhood and had been undergoing treatment. The respondent questioned the petitioner's father as to why he had concealed these facts before the marriage, but no proper explanation was given. When the petitioner's father asked the doctor whether the petitioner could be cured through medical treatment, the doctor stated that only if proper treatment had been administered from childhood would normal physical and mental development have occurred. The doctor further stated that the petitioner's present condition would continue permanently. Upon hearing this, the petitioner's father admitted that the doctor's opinion was true and further stated

before both the respondent and Dr. Balaji that even the earlier doctors who treated his daughter had informed him that she would continue to behave like a child.

4.12. Thereafter, after coming out of the hospital, the respondent and his father questioned the petitioner's father as to why he had concealed the true condition of his daughter and deceived them into the marriage. The petitioner's father admitted his mistake and stated that he had concealed the true condition of his daughter believing the advice of certain persons who told him that she would become normal after marriage. He further apologized and stated that he would abide by whatever decision they took. Since it was already about 9.00 p.m., the respondent took the petitioner back to his house. On the next day, when the respondent contacted the petitioner's father over phone and enquired what they intended to do, the petitioner's father admitted his mistake and requested the respondent to bring back his daughter and leave her at their house. When the respondent stated that they themselves could come and take her, the petitioner's father stated that it would be embarrassing for him and requested the respondent himself to bring her back and leave her at their house, after which he disconnected the call.

4.13. Thereafter, when the petitioner's father contacted his daughter over phone, the petitioner stated that she was unable to understand what her father was saying and handed over the phone to the respondent. During the conversation, the petitioner's father requested the respondent to bring back his daughter along with all her clothes and jewels and hand them over, after which the elders of both families could discuss the matter and proceed legally. Acting upon the request of the petitioner's father, and considering that the petitioner's father was serving as Deputy Block Development Officer (Administration) in the Vandavasi Block Development Office and was a responsible Government

Officer, and further considering that the respondent's father and the petitioner's father had worked together in the Cheyyar Block Development Office during 2016–2017 and were well acquainted, the respondent trusted the words of the petitioner's father. Accordingly, the respondent handed over all the jewels given at the time of marriage to the petitioner's father and left the petitioner at her parental home in Thandappanthangal village.

4.14. After the respondent left the petitioner at her parental home, neither the petitioner nor her family members contacted the respondent or his family members either personally or through phone. Therefore, on 14.06.2022 at about 8.00 a.m., the respondent, his father and about five relatives visited the petitioner's parental home and enquired as to why no discussions were being held regarding the petitioner's situation. However, the petitioner's father stated that he had only asked the respondent to bring back his daughter and leave her at their house and that nothing further could now be done or discussed, and further told them to take whatever action they deemed fit.

4.15. Thereafter, the respondent's father questioned the petitioner's father stating that both of them had worked together in the Cheyyar Block Development Office and, based on the friendship and trust developed between them, he had agreed to the marriage believing the petitioner's father, who was a responsible Government Officer. He further stated that, because of such trust and friendship, they had not made any independent enquiries regarding the petitioner or her family before arranging the marriage. The respondent's father further accused the petitioner's father of concealing the fact that the petitioner had suffered from thyroid disease since childhood, resulting in lack of physical growth, brain development and mental maturity, and thereby deceiving them into the marriage. Upon hearing such allegations, the petitioner's father behaved

arrogantly and improperly, due to which the respondent, his father and the accompanying relatives left the place helplessly.

4.16. The petitioner's father, despite being a responsible Government Officer, knowingly concealed the petitioner's long-standing thyroid disease and her alleged lack of proper mental, physical and intellectual development, and fraudulently conducted the marriage with the respondent. Thereafter, when the truth came to light, the petitioner's father admitted his mistake and acknowledged that concealing the petitioner's condition was wrong. Acting on the petitioner's father's instructions to return the petitioner and hand over the jewels, the respondent complied and returned all the jewels. However, in order to cover up his own wrongful acts, the petitioner's father has now falsely implicated the respondent.

4.17. In the above circumstances, the respondent caused a legal notice dated 15.06.2022 to be issued to the petitioner and her father regarding the concealment of the petitioner's thyroid disease and the fraudulent marriage. Though the petitioner received the said legal notice, no reply notice has been issued till date.

4.18. Since the petitioner has allegedly been suffering from thyroid disease from childhood and is stated to possess the mental maturity of a five-year-old child due to lack of brain development, the respondent submits that it is impossible for the petitioner and respondent to lead a matrimonial life together. Hence, the respondent has filed a petition before this Hon'ble Court seeking annulment of the marriage solemnized on 06.03.2022 between the petitioner and the respondent.

4.19. Therefore, since the respondent has already filed HMOP No.47/2023 seeking annulment of the marriage, the present petition filed by the petitioner is liable to be dismissed, and the petition filed by the respondent in HMOP No.47/2023 is liable to be allowed. Hence, the respondent has filed this counter statement before this Hon'ble Court.

5. Joint trial memo was filed and therefore HMOP.No.47/2023 and HMOP.No.153/2023 were jointly tried and witnesses were examined in HMOP.No.47/2023 and documents were marked in HMOP.No.153/2023. For proper understanding of both the cases, the petitioner in HMOP. 47/2023 and the respondent in HMOP.No.153/2023 is termed as "Petitioner" and the respondent in HMOP.No.47/2023 and the petitioner in HMOP.No.153/2023 is termed as "Respondent". PW1 was examined on the side of the petitioner and Exhibits P1 to P4 were marked. On the side of the respondent, was examined and no exhibits marked.

**6. THE POINTS FOR DETERMINATION :**

1. Whether the petitioner is entitled for Dissolution of Marriage as prayed for?
2. Whether the respondent is entitled for Restitution of Conjugal Rights as prayed for?
3. To what relief, the petitioner is entitled?
4. To what relief, the respondent is entitled?

## 7. POINT No.1 & 2:

On perusal of the pleadings, oral and documentary evidence available on record, it is seen that the petitioner in HMOP.No.47/2023, namely Satheeshkumar, has filed the petition seeking dissolution of marriage against the respondent Jayapriya. Likewise, the respondent herein has filed HMOP.No.153/2023 seeking restitution of conjugal rights against her husband. Considering the welfare and interest of both parties, both the petitions were jointly tried. During the course of trial in HMOP.No.47/2023, the petitioner Satheeshkumar was examined as PW1 and four documents were marked on his side, namely, the marriage invitation, legal notice, marriage photographs and Aadhaar card. On the side of the respondent, Jayapriya was examined as DW1 and no document was marked.

### **PW1 stated in his deposition that:**

“எனக்கு எதிர்மனுதாரருக்கும் கருத்துவேறுபாடு அதிகமாக உள்ளது என்றால் சரிதான். மேற்படி கருத்துவேறுபாடு சம்பந்தமாக ஊர் பெரியவர்கள் மற்றும் உறவினர் மூலம் பலமுறை பேசி சேர்ந்து வாழ நடவடிக்கை எடுக்கப்பட்டது என்றால் சரிதான். இனியும் சேர்ந்து வாழ்வதற்கான வாய்ப்பு உள்ளதா என்றால் வாய்ப்பு இல்லை. எதிர்மனுதாரருடைய சீதன பொருள்கள் மற்றும் நகைகள் திரும்ப ஒப்படைத்துவிட்டீர்களா என்றால் சமரசம் பேசும் போது ஒப்படைக்கப்பட்டது. மொத்த ஜீவனாம்சம் தொகை எவ்வளவு கொடுத்துள்ளீர்கள் என்றால் ரூ.15,00,000/-கொடுத்துள்ளேன்.”

Whereas, DW1 stated in her deposition that:

“எனக்கும் மனுதாரருக்கும் கருத்துவேறுபாடு அதிகமாக உள்ளது என்றால் சரிதான். மேற்படி கருத்துவேறுபாடு சம்பந்தமாக ஊர் பெரியவர்கள்

மற்றும் உறவினர் மூலம் பலமுறை பேசி சேர்ந்து வாழ நடவடிக்கை எடுக்கப்பட்டது என்றால் சரிதான். இனியும் சேர்ந்து வாழ்வதற்கான வாய்ப்பு உள்ளதா என்றால் வாய்ப்பு இல்லை. என்னுடைய சீதன பொருள்கள் மற்றும் நகைகள் திரும்ப பெற்றுக்கொண்டீர்களா என்றால் சமரசம் பேசும் போது பெற்றுக்கொண்டேன். எனக்கும். எனது குழந்தை பிரித்தி விகேஷ் ஆகியோருக்கு ஆயுள்கால ஜீவனாம்சமாக ரூ.15,00,000/- பெற்றுக்கொண்டேன் என்றால் சரிதான். மனுதாரர் தாக்கல் செய்த இந்த மனு அனுமதிப்பதில் ஆட்சேபனை எதுவும் உள்ளதா என்றால் இல்லை. அதேபோல நான் தாக்கல் செய்த HMOP.No.153/2023 மனு தள்ளுபடி செய்வதில் ஆட்சேபனை எதுவும் உள்ளதா என்றால் இல்லை. செய்யாறு, குற்றவியல் நடுவர் நீதிமன்றத்தில் உள்ள ஜீவனாம்ச வழக்கு 05/2024 வழக்கை இதன் மூலம் முடித்து கொள்கிறேன் என்றால் சரிதான்.”

A careful consideration of the evidence of PW1 and DW1 clearly reveals that serious differences of opinion have arisen between the parties and despite repeated intervention by elders and relatives, all efforts for reunion have failed. Both parties have categorically admitted in their evidence that there is no possibility of their resuming matrimonial life together. It is further evident from the testimony of both parties that the respondent has already received her seethana articles, jewels and a sum of Rs.15,00,000/- towards full and final lifetime maintenance for herself and the minor child. Further, the respondent has specifically stated that she has no objection for allowing HMOP.No.47/2023 filed by the petitioner for divorce and equally has no objection for dismissing HMOP.No.153/2023 filed by her for restitution of conjugal rights. In such circumstances, this Court is of the considered view that the matrimonial relationship between the parties has irretrievably broken down and there exists

no possibility whatsoever for reunion. Hence, HMOP.No.47/2023 is allowed and the marriage solemnized between the petitioner and respondent on 06.03.2022 is hereby dissolved by granting a decree of divorce. Consequently, HMOP.No.153/2023 filed by the respondent for restitution of conjugal rights is dismissed.

**8. Point No 3 and 4:**

Accordingly, this Court considers it appropriate to take up Issues Nos. 3 and 4 together for common consideration, in view of the interconnected nature of the issues involved, and the same are answered as follows:

Arguments advanced on both sides were heard in detail, and the entire records and relevant documents were carefully perused by this Court. Upon consideration of the oral and documentary evidence available on record, this Court finds that there remains no possibility whatsoever for the petitioner and the respondent to resume matrimonial life and live together as husband and wife.

Accordingly, this Court is satisfied that the petitioner in H.M.O.P. No. 47 of 2023 has established sufficient grounds for the grant of a decree of divorce, and therefore, the said petition is allowed. Consequently, H.M.O.P. No. 153 of 2023, filed by the respondent seeking contrary relief, stands dismissed.

Further, having regard to the facts and circumstances of the case and the relationship between the parties, this Court deems it appropriate to direct that each party shall bear their own costs.

**H.M.O.P.NO.47/2023**

**In the result**, HMOP.No.47/2023 filed by the petitioner/husband is allowed and the marriage solemnized between the petitioner Satheeshkumar and the respondent Jayapriya on 06.03.2022 is hereby dissolved by a decree of divorce.

**H.M.O.P.NO.153/2023**

**In the result**, HMOP.No.153/2023 filed by the respondent/wife for restitution of conjugal rights is dismissed.

The respondent has acknowledged receipt of her seethana articles, jewels and a sum of Rs.15,00,000/- towards full and final settlement of lifetime maintenance for herself and the minor child and both parties have agreed to the same.

Both Parties Shall bear its own Costs.

The Order was typed by me on my laptop, corrected, and then pronounced in open court on this, the 01st day of June, 2026.

Principal Subordinate Judge,  
Cheyyar.

**10. List of Witnesses examined on the side of the Petitioner:**

PW1 - Sathiskumar (Petitioner)

**11. List of Exhibits marked on the side of the Petitioner:**

Ex.P1 06.03.2022 - Marriage Invitation.

Ex.P2 15.06.2022 - Legal Notice Issued by the Petitioner to the Respondent and Respondent father

Ex.P3 Marriage Photo

Ex.P4 Adhaar Card of the Petitioner

**12. List of Witnesses examined on the side of the Respondent:**

**RW1 - Jayapriya**

**13. List of Exhibits marked on the side of the Respondent: Nil**

Principal Subordinate Judge,  
Cheyyar.