

IN THE COURT OF PRINCIPAL DISTRICT JUDGE AT TIRUVALLUR
PRESENT: Dr. J. JULIET PUSHPA, Ph.D.(Law)
Principal District Judge, Tiruvallur

Monday, the 30th day of March, 2026

I.D.O.P. No. 112/2025
(CNR NO: TNTR010013192025)

I.John Mathew

.....Petitioner

/Vs/

A.Tryphosa

.....Respondent

This petition coming on 12.03.2026 for final hearing before me in the presence of M/s. J.Mano Balaji, R.Mano, E.Tamilarasu, P.Rajapandiyammal learned counsel for petitioner, and having the respondent called absent, set exparte, and upon hearing the arguments of petitioner and upon perusing the available records, and having stood over for consideration till this day, this court delivered the following.

ORDER

This petition is filed by the petitioner under section 10 (1) (ix) and 10 (1) (x) of Indian Divorce Act, praying to dissolve the marriage solemnized between the petitioner and the respondent on 10.03.2021 at Jesus with us Church, No.2, Kaio-lasam Street, Tondaiyarpeta, Chennai- 600 081 as per Christian rites and customs on the grounds of desertion and cruelty.

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

The marriage between the petitioner and the respondent was solemnized on

10.03.2021 at Jesus with us Church, No.2, Kaiolasam Street, Tondaiyarpeth, Chennai–600 081 as per Christian rites and customs and the reception held at Ram Jan Mahal and the petitioner borne all the marriage expenses for about 10 Lakhs. Due to their wedlock one male child J.Manasseh Abey was born on 03.12.2021. After the marriage, the respondent developed hostile attitude towards petitioner’s mother and the respondent did not want the petitioner’s mother to stay with them in the matrimonial house. The respondent went to her parent’s house after the birth of the child and did not come back and felt comfortable staying there, but returned only in the end of 2022 On 25.12.2022 the respondent thwarted visiting his mother during Christmas eve. The respondent used to pick up quarrel with the petitioner for trivial reasons and gave mental restlessness and also used to verbally abuse him. After the construction of a new house at Lakshmipuram, Poonamallee , wherein the respondent started to behave strangely and even posting status in *whatsapp* with message “All are fake” and tried to degrade the petitioner’s reputation in the society. On 04.05.2024 , the respondent came from office took away the child without the consent of the petitioner and abused the petitioner and his mother in filthy language. Even the respondent’s family scolded him. The petitioner could not understand their mind-set up. At last, the respondent left the matrimonial house on 04.05.2023 and left the petitioner to lurch in loneliness and also denied the visit to his child. But, during his visit on 23.07.2023, his child was happy, but the respondent never respond to his message and refused to come back to matrimonial house inspite of counseling on 08.09.2023. There is no sign of reunion inspite of best efforts made by the petitioner and even the

police complaint and counseling given by Inspector of Police on 14.08.2024, she deliberately refused to live with the petitioner, wherein the respondent insisted the petitioner to abandon his mother and gave mental torture and insisted for new house on rent. The respondent was willing to be accompanied by one Stephen who is the husband of her sister and spoiled the reputation of petitioner's family. The respondent is adamantly staying in her parents' house and refused to return to matrimonial house. There is no chance for reunion inspite of legal notice on 14.12.2024. Hence, this The cruel acts of the respondent caused mental agony to the petitioner, hence, prayed to dissolve the marriage on the grounds of desertion and cruelty.

3. Notice to respondent served. The respondent has not chosen to appear before this Court. Hence, the respondent was called absent, set exparte.

The petitioner in order to substantiate his case was examined himself as PW1 and marked Ex.P1 to Ex.P13.

4. The point for consideration is

1. *Whether the petitioner is entitled to get dissolution of marriage on the grounds as prayed for in the petition ?*
2. *Whether this petition is to be allowed?*

5. POINTS :

Heard petitioner. Records Perused.

This petition has been filed seeking divorce on the grounds of desertion and

cruelty as the respondent committed cruelty to the petitioner. The respondent remained ex-parte.

6. The petitioner/husband filed proof affidavit and was examined as PW.1 and Ex.P.1 to P.13 were marked.

7. It is specific allegation of the petitioner is that, the marriage solemnized between the petitioner and the respondent on 10.03.2021 and out of the wedlock one male child was born on 03.12.2021. The respondent was always exhibiting hostile attitude towards the petitioner's mother and she wants the petitioner to abandon his mother. Even after shifted to their newly constructed house, she started to ill-treat the petitioner and acted strangely so as to humiliate the petitioner. At last, she left the matrimonial house on 04.05.2023 and never returned. Further, she started to post in social media her photograph close with one Stephen, who is the husband of respondent's sister, thereby causing chaos in the family of the petitioner. All the acts of the respondent caused severe mental agony to the petitioner, and all his efforts to bring back her to matrimonial house are in vain and she refused to live with the petitioner inspite of his legal notice dated 14.12.2024. Hence, this petition seeking divorce on the grounds of desertion and cruelty.

8. The petitioner deposed his evidence in consonance with averments in the petition. The marriage between the petitioner and the respondent was proved by Marriage Invitation, Marriage Photo with CD and Marriage Registration Certificate which are marked as Ex.P1 to Ex.P3 respectively. Copy of Aadhar card of the petitioner is Ex.P4. Legal notice sent to the respondent and the Postal acknowledgment

card are marked ad Ex.P5 & Ex.P6. The birth certificate of male child is marked as Ex.P7. Complaint before the All Women Police station, Poonamallee is marked as Ex.8 & Ex.9. Whatsapp message sent to the respondent and the photo of the respondent and copy of conversation through telephone call with certificate us 65B of Evidence Act are marked as Ex.P10 to Ex.P12. 65 B certificate for Ex.P10 to Ex.P12 is marked as Ex.P13.

9. From the above oral and documentary evidences adduced on the side of the petitioner, it is proved that the marriage between the petitioner and respondent was solemnized as per Christian rites and customs.

10. From the above oral and documentary evidences adduced on the side of the petitioner, it is proved that the marriage between the petitioner and respondent was solemnized on 10.03.2021 as per Christian rites and customs, and it is also proved by his oral evidence that, subsequent to the marriage, the respondent treated the petitioner with cruelty and severe mental agony to the petitioner as discussed supra.

11. The oral testimony of PW.1 and the documents Ex.P.1 to Ex. P13 remain unchallenged and are not controverted by the respondent, since the respondent has chosen to remain ex-parte. There is no rebuttal evidence adduced by the respondent.

12. As per the petition averments, the respondent left the matrimonial home at 04.05.2023 and this petition was filed on 13.02.2025. The entire averments in the petition, not shown that the respondent joined with the petitioner. It has been also

proved that without justifiable cause, the respondent left the petitioner and also separated for more than two years before filing of this petition. From the date of desertion, there was two years lapse, after that only this petition was filed. So, the ground of desertion also proved. Hence, this court considers from oral and documentary evidences of PW1, that the cruel act of respondent as against the petitioner and also desertion is clearly proved. Thus, the petitioner is entitled to get a Decree for Divorce on the grounds of desertion and cruelty. These points are answered accordingly.

In the result, the petition is allowed and the marriage solemnized between the Petitioner and Respondent on 10.03.2021 at Jesus with us Church, No.2, Kaiolasam Street, Tondaiyarpeta, Chennai- 600 081 as per Christian rites and customs is dissolved on the grounds of desertion and cruelty u/s 10 (1) (ix) and 10 (1) (x) of Indian Divorce Act. No costs.

Dictated to Steno-typist, typed by him directly, corrected and pronounced by me in Open Court, this 30th day of March, 2026.

**PRINCIPAL DISTRICT JUDGE
TIRUVALLUR**

Petitioner's side witness:

PW. 1 - I. John Mathew (Petitioner)

Petitioner's side Exhibits:

Ex.P1 10.03.2021 Marriage Invitation

Ex.P2	–	Marriage Photo and CD
Ex.P3	10.03.2021	Marriage Registration Certificate
Ex.P4	–	Copy of Aadhar card of the petitioner (compared with original)
Ex.P5	24.10.2024	Legal notice sent by the petitioner to the respondent
Ex.P6		Postal Acknowledgment card
Ex.P7		Birth Certificate of male child namely J.Manasseh Abey
Ex.P8	13.08.2024	Complaint registered before the AWPS Poonamallee police station
Ex.P9	14.08.2024	Complaint registered before the AWPS Poonamallee police station
Ex.P10		Copy of <i>whatsapp</i> messages sent by the petitioner to the respondent with certificate u/s 65B of Evidence Act
Ex.P11		Photo of the respondent with certificate u/s 65B of Evidence Act
Ex.P12		Telephone conversation between the petitioner and the respondent with certificate u/s 65B of Evidence Act
Ex.P13		certificate u/s 65B of Evidence Act for Ex.P10 to Ex.P12

Respondent side witnesses & Exhibits : NIL

**PRINCIPAL DISTRICT JUDGE
TIRUVALLUR**