

**IN THE COURT OF PRINCIPAL DISTRICT JUDGE AT TIRUVALLUR**  
**PRESENT: Dr. J. JULIET PUSHPA, Ph.D.(Law)**  
**Principal District Judge, Tiruvallur**  
**Monday, the 30<sup>th</sup> day of March 2026**

**I.D.O.P. No. 289/2020**  
**(CNR No. TNTR010028172020)**

Saranya

...Petitioner

/Vs/

Udayashankar

...Respondent

This petition coming on 11.03.2026 for hearing before me in the presence of M/s Hemamalini, Rajkumar, learned counsel for the petitioner and having the respondent called absent, set ex-parte, and upon perusing of written 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, for passing a decree of divorce by dissolving the marriage solemnized between the petitioner and the respondent on 25.01.2019 Boyal Memorial Church, Eachampadi village, Pallipattu Taluk, Tiruvallur District as per Christian rites and customs on the ground of desertion and cruelty.

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

The marriage between the Petitioner and respondent was solemnized on 25.01.2019 Boyal Memorial Church, Eachampadi village, Pallipattu Taluk, Tiruvallur

District as per Christian rites and customs. Only after the marriage, the petitioner came to know that the respondent is a drunkard and he used to come to house every day in drunken state and there was no cohabitation between the petitioner and the respondent. On coming to know the conduct of respondent on 03.05.2019, the respondent's parents set up separate matrimonial house at Thirunindravur, and also they paid Rs.40,000/- by mortgaging the jewels. However, even in the separate matrimonial house, he did not mend his ways and was always in inebriated condition and spend half of his earnings, Rs.40,000/- to Rs.50,000/- per month by working in a private bank towards his drinking habit. Even though the petitioner waited with fond hope that he would mend his ways, he never changed. He neglected the petitioner and used to attend the phone call from a strange women namely Poornima. When questioned, the respondent abused her in filthy language and also used to hurt himself and behaved like an insane person even after changing their residence to Nazareth. The respondent conducted himself rude on many occasions and broke articles in the house. On 04.01.2020, the petitioner during quarrel snatched the petitioner's *thali* and did not return. Due to the continuous quarrel between the petitioner and the respondent, the petitioner's parents took her to the parental house. Thereafter, the respondent completely neglected the petitioner and did not take any steps to bring her back to matrimonial house inspite of notice on 18.02.2020. All the acts of the respondent caused mental agony and cruelty and the respondent has also deserted her since 04.01.2020. Hence the petitioner has come forward with this petition seeking dissolution of marriage.

3. The respondent has not appeared and remained *exparte*.
4. The petitioner in order to substantiate her case has examined herself as PW1 and marked Ex.P1 to Ex.P5.

**5. Now, the points 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?*

**6. POINTS :**

Heard the petitioner. Records Perused.

This petition has been filed by the petitioner/wife u/s 10(1)(ix) and 10(1)(x) of Indian Divorce Act seeking dissolution of her marriage with the respondent on the ground of desertion and cruelty.

7. The petitioner/ wife has examined herself as PW1 and marked Ex.P1 to Ex.P5.

8. It is the specific allegation of petitioner that after the marriage of the petitioner with the respondent on 25.01.2019, the petitioner came to know that the respondent is a drunkard and he used to pick up quarrel with the petitioner frequently in drunken state and also conduct himself like an insane person. He did not mend his ways even separate matrimonial house was set up in Thirunindravur and Nazareth. On 04.01.2020 having quarreled with the petitioner, he snatched away the thali chain and did not return. Further, since the petitioner was taken by her parents to their

parental house on 04.01.2020, since then the respondent deserted her and refused to live with her even after sending legal notice on 18.02.2020. Thus, the petitioner has come forward with this petition.

9. The petitioner deposed her evidence in consonance with averments made in the petition. The marriage between the petitioner and the respondent was proved by Marriage Invitation, Marriage Registration Certificate and Photo and CD which are marked as **Ex.P1 to Ex.P3** respectively. Copy of the aadhar card of petitioner is **Ex.P4** and the legal notice dated 18.02.2020 issued by the petitioner to the respondent calling upon him to lead matrimonial life is marked as **Ex.P5**.

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 25.01.2019 as per Christian rites and customs, and it is also proved by her oral evidence that, subsequent to the marriage, the respondent caused cruelty and severe mental agony as discussed supra.

11. The oral testimony of PW.1 and the documents Ex.P.1 to Ex. P5 remain unchallenged, not controverted by the respondent and there is no rebuttal evidence adduced by the respondent, since the respondent has chosen to remain ex-parte. In these circumstances, this court considers from oral and documentary evidences of PW1, that the cruel acts and attitude of the respondent as against the petitioner is clearly proved.

12. As far as the ground for desertion is concerned, as per the averments in the petition, on 04.01.2020, the petitioner went to her parent's house. Since then, the respondent failed to contact her and even after receipt of legal notice refused to live with the petitioner. He neglected the petitioner from 04.01.2020. This petition was filed on 22.09.2020. To constitute the grounds of desertion, the petitioner must prove that the respondent deserted the petitioner for at least two years immediately preceding the presentation of the petition as contemplated u/s 10(1)(ix) of Indian Divorce Act. However, on perusal the petition and the averments, it was filed on 22.09.2020, within 9 months from the date of the alleged desertion. Moreover, even as per the averments in the petitioner, it was only the petitioner who had left the matrimonial house on 04.01.2020 and thereafter sent legal notice on 18.02.2020. There is no other averments as to the desertion by the respondent, except that the respondent refused to live with her and caused mental agony. Therefore, considering the above facts, this court considers that the petitioner has not made out her case for dissolution on the ground of desertion.

13. Hence, in view of the discussion supra, this court considers from oral and documentary evidences of PW1, that the cruel act of respondent as against the petitioner is clearly proved, even though the alleged desertion is not made out. Therefore, the petitioner is entitled to get a Decree for Divorce as against the respondent on the ground of cruelty. These points are answered accordingly.

In the result, the petition is partly allowed and the marriage solemnized between the Petitioner and Respondent on 25.01.2019 Boyal Memorial Church, Eachampadi village, Pallipattu Taluk, Tiruvallur District as per Christian rites and customs is dissolved on the ground of cruelty under section 10(1)(x) of Indian Divorce Act. No costs.

Dictated to Steno-typist, typed by her directly, corrected and pronounced by me in Open Court, this the 30<sup>th</sup> day of March 2026.

**PRINCIPAL DISTRICT JUDGE  
TIRUVALLUR**

**Petitioner's side witness:**

PW. 1 – G. Saranya, (Petitioner)

**Petitioner's side Exhibits:**

Ex.P1	25.01.2019	Marriage Invitation
Ex.P2	25.01.2019	Marriage Registration Extract
Ex.P3	–	Marriage Photo with CD
Ex.P4	–	Copy of Aadhar card of the petitioner (compared with original)
Ex.P5	18.02.2020	Copy of the legal notice issued by petitioner to the respondent

**Respondent's side witness and Exhibits : Nil**

**PRINCIPAL DISTRICT JUDGE  
TIRUVALLUR**