

TNTS010032642025



In the Court of Sessions, Tenkasi Division
Before the Principal Sessions Judge, Tenkasi.
PRESENT: THIRU. B.RAJAVEL, B.SC., B.L.,
Principal District Judge,
Thursday the 26th day of March 2026
IDOP No. 84/2025

J. Queency Jenifer

... Petitioner / Wife

Vs

Gladson Jebachristian

... Respondent / Husband

This petition has been coming before me on today hearing in the presence of Thiru.M.Anand, Advocate for the Petitioner and Thiru.C.Shanthakumar, Advocate for the Respondent and upon perusing the documents and heard both sides upon perusing the entire case records and having stood over till this day for consideration, this court delivered the following:

ORDER

This petition has been filed by the petitioner/wife under Section 10(1)(x) of the Indian Divorce Act 1869, seeking dissolution of the marriage between the petitioner and the respondent held on 14.09.2020 and praying to pass an order to the respondent to pay compensation of Rs.19,00,000/- to the petitioner and to pass an order to the respondent to give the dowry articles, jewels and dresses belonging to the petitioner to her.

2. Petition averments are as follows:-

The marriage between the petitioner and respondent was solemnized on 14.09.2020 at Puliyangudi as per Christian rites. At the time of marriage, substantial dowry in cash and gold jewels were given. After marriage, the petitioner was subjected to continuous mental and physical cruelty by the respondent and his family members. It is the specific case of the petitioner that the respondent used abusive

language, neglected her, refused to cohabit properly, and repeatedly insisted that she leave the matrimonial home and give divorce. The petitioner was also harassed in connection with childlessness, despite medical evidence indicating issues on the respondent's side. The respondent failed to support the petitioner during her illness and ultimately forced her to leave the matrimonial home on 07.12.2024. The petitioner has further established that she was subjected to sustained mental agony, humiliation, and neglect, and that the respondent has withdrawn from marital obligations. The parties have been living separately since December 2024.

3. The respondent has filed a counter denying the allegations and raising various allegations against the petitioner. The petitioner states that the engagement with the respondent was held on 13.06.2020 at Tirumalainayakkanpudhukudi, Puliyangudi, during the COVID lockdown, at a cost of about Rs.1,00,000/-. The marriage was solemnized on 14.09.2020 at Pari Mathiya Temple, Puliyangudi, as per Christian rites. At the time of marriage, the petitioner's family provided Rs.2,00,000/- and 30 sovereigns of gold as dowry as demanded by the respondent's family. After marriage, the petitioner lived in a joint family where she was subjected to continuous harassment, humiliation, and cruelty by the respondent and his family. The respondent behaved abusively, neglected the petitioner, and demanded that she leave the matrimonial home. Issues relating to childlessness led to further harassment, despite medical evidence indicating problems on the respondent's side and not the petitioner.

4. The petitioner was repeatedly ill-treated, denied basic support, and mentally tortured. The respondent avoided medical treatment, used abusive language, and ultimately forced the petitioner to leave the matrimonial home on 07.12.2024. Thereafter, he failed to contact or support her. The petitioner alleges that her jewellery remains with the respondent, that her family incurred substantial marriage

expenses, and that the respondent misused her family's funds for personal gain. Due to sustained cruelty and abandonment, the petitioner has been compelled to live separately and seeks divorce along with compensation of Rs.16,00,000/- for the damages and expenses incurred.

5. Counter filed by the Respondent in brief are as follows :-

It is admitted that the engagement between the petitioner and respondent was arranged on 13.06.2020 at Puliyangudi through the petitioner's sister Ruby and was conducted with the consent of both families. However, it is false to state that the function was conducted lavishly at a cost of Rs.1,00,000/-. Due to COVID-19 lockdown restrictions, only about 15 persons attended, in compliance with Government regulations. It is further admitted that the marriage took place on 14.09.2020 at Puliyangudi Pari Mathiya Temple as per Christian rites. The allegation that the respondent's family demanded or received dowry of Rs.2,00,000/- and 30 sovereigns of gold is false. The exchange of money and jewels was mutually agreed between both families. In fact, the respondent provided gold ornaments, including thali chain, bangles, ring, silk saree, and dress, totalling approximately Rs.4,06,000/-, which are still in the petitioner's possession.

6. After marriage, the couple lived peacefully for about three months in the respondent's parental house. At the petitioner's insistence, they shifted to a separate residence, where they lived happily. The respondent never refused to live with the petitioner; rather, it was the petitioner who frequently insisted on shifting residences. Due to delay in conception, both parties underwent treatment at various fertility centres. Medical examination revealed that the petitioner was suffering from PCOD. The respondent supported and consoled the petitioner throughout. The allegation that the respondent or his family harassed the petitioner for childlessness is false. In December 2024, the petitioner left the matrimonial home on her own after informing

that she was going to her parental house and has not returned thereafter. Despite repeated attempts by the respondent to contact her, she avoided communication. The respondent has always treated the petitioner with love and affection. He had taken her to various places, including trips and outings, and provided for her needs. The allegations that the respondent neglected or ill-treated the petitioner are false and invented.

7. The petitioner, influenced by her family, has deliberately withdrawn from the matrimonial relationship and is now making false allegations to seek divorce and monetary gain. The respondent is still willing to resume marital life and live with the petitioner. The present petition is false, vexatious, and filed with the intention of extracting money from the respondent. Therefore, it is respectfully prayed that this Hon'ble Court may be pleased to dismiss the petition filed by the petitioner as devoid of merits and pass such further orders as this Court deems fit and proper.

8. POINTS FOR DETERMINATION:-

1. Whether the petitioner has proved that she was subjected to cruelty by the respondent?
2. Whether the allegations made in the counter by the respondent are proved?
3. Whether the petitioner is entitled to return of dowry and jewellery or compensation?
4. Whether the petitioner is entitled to a decree of divorce?

9. Point No.1 – Cruelty

On a careful appreciation of the oral and documentary evidence, this Court finds that the petitioner has clearly established continuous acts of mental cruelty. The conduct of the respondent in using abusive language, neglecting the petitioner, refusing cohabitation, and forcing her to leave the matrimonial home amounts to mental cruelty. The harassment relating to childlessness, despite medical evidence pointing towards issues on the respondent's side, further aggravates the cruelty.

10. Point No.2 – Counter Allegations

The respondent has made several allegations against the petitioner in the counter statement. However, no acceptable oral or documentary evidence has been produced to substantiate the same. The allegations are vague, uncorroborated, and appear to be a mere defence to the petition.

Accordingly, this Court holds that the counter allegations are not proved and are liable to be rejected in toto.

11. Point No.3 – Dowry and Jewellery

The petitioner has specifically pleaded that cash of Rs.2,00,000/- and substantial gold jewellery were given at the time of marriage and that the same are retained by the respondent. The respondent has denied the same but has not produced any convincing evidence to disprove the petitioner's claim.

In matrimonial matters, the burden shifts upon the husband to satisfactorily account for the jewellery entrusted at the time of marriage. In the absence of such proof, an adverse inference is to be drawn.

Hence, this Court finds that the petitioner is entitled to recovery of the dowry amount and gold jewellery or its equivalent value from the respondent. (However, separate proceedings may be initiated for quantification and recovery, if not already sought in appropriate forum.)

12. Point No.4 – Entitlement to Divorce

In view of the findings under Points 1 and 2, this Court holds that the petitioner has proved cruelty within the meaning of Section 10(1)(x) of the Divorce Act, 1869. The marriage has irretrievably broken down and there is no possibility of reunion.

13. In the result, this petition is Partly allowed.

The marriage solemnized between the petitioner and the respondent on 14.09.2020 is hereby dissolved by a decree of divorce under Section 10(1)(x) of the Divorce Act, 1869. Insofar as the other reliefs sought by the petitioner are concerned, this Court finds that the petitioner has not established entitlement to the same in the manner known to law. Accordingly, the claim relating to recovery of dowry amount and jewellery or its equivalent value is not granted in this petition, leaving it open to the petitioner to work out her remedies, if any, before the appropriate forum in accordance with law. The prayer seeking compensation of Rs.19,00,000/- is hereby dismissed. There shall be no order as to costs.

This order is directly dictated to the Typist and typed by her, corrected and pronounced by me in the Open Court on this 26th Day of March 2026.

Principal District Judge,
Tenkasi

Witness examined on the side of petitioner :-

P.W. 1- Queency Jenifer

Exhibits marked on the side of petitioner :-

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| Ex.P.1 | 14.09.2020 | Marriage Invitation Card. |
| Ex.P.2 | 25.05.2025 | Marriage Registration Certificate, given by the Church. |
| Ex.P.3 | -- | Photograph taken at the time of marriage. |
| Ex.P.4 | 14.04.2025 | Advocate notice sent by the Petitioner to the respondent |
| Ex.P.5 | 20.06.2025 | Acknowledgment Card |
| Ex.P.6 | 22.04.202 | Reply notice sent by the respondent to the Petitioner |
| Ex.P.7 | 29.04.2025 | Advocate notice sent by the Petitioner to the respondent |
| Ex.P.8 | 20.06.2025 | Acknowledgment Card |
| Ex.P.9 | -- | Copy of Aadhaar Card of petitioner. |

Witness examined on the side of Respondent:-

R.W. 1- Gladson Jebachristian

Exhibits marked on the side of Respondent:-

Ex.R.1 -- Copy of Aadhaar Card of Respondent

Principal District Judge,
Tenkasi

PDC, Tenkasi
IDOP No. 84 /2025
Dated 26.03.2026
Draft/ Fair Order