

IN THE COURT OF DISTRICT MUNSIF, SHENCOTTAI.**Present : Thiru.K.N.Guru, B.A.B.L.,**

District Munsif, Shencottai.

Wednesday, the 18th day of March 2026**ORIGINAL SUIT No.8/2026****(CNR.No.TNTS11-000403-2026)**

Pathumuthu Saral

.. Plaintiff

/Vs/

Seyed Masood

.. Defendant

The suit came before me for final hearing on 10.03.2026 in the presence of Thiru.M.Mohamed Saleem, Advocate for the Plaintiff and Defendant has remained exparte and after hearing Plaintiff side and on perusal of records and having stood over for consideration till this date and this court delivers the following:-

JUDGMENT

The Plaintiff has filed this suit seeking a decree of Declaration to declare that the marriage between the Plaintiff and the Defendant stands dissolved, and for such other reliefs as this Court may deem fit and proper in the circumstances of the case, including the costs of this suit.

2. Plaintiff's Case in Nutshell:-

The marriage between the Plaintiff and the Defendant was solemnized on 21.01.1985 as per Islamic Shariat law (Nikah) in the presence of their family members and the Jamathars of Vadakarai Muhaideen Andavar Pudhu Juma Masjid.

Following the marriage, the parties resided as a joint family at the residence of the Defendant's parents. During the subsistence of their matrimonial life, a male child named Jamin was born. Subsequently, due to certain matrimonial disputes, the parties were unable to live together. Despite mediation efforts by village elders, no amicable settlement could be reached. Consequently, the Plaintiff issued a "Khula" declaration to the Defendant on 12.01.2026, unequivocally dissolving the marriage. Currently, the parties are living separately. Therefore, this suit is filed by the Plaintiff seeking a decree of declaration that the marriage dated 21.01.1985 between the Plaintiff and the Defendant stands dissolved by virtue of the "Khula" declaration issued on 12.01.2026.

3. The defendant failed to appear before this court and was set **ex parte** on 05.03.2026. The Plaintiff side PW1 was examined and documents marked as Ext.A1 to Ext.A3.

4. It is the specific case of the Plaintiff that she has exercised her right of *Khula*, as evidenced by the Original Khula Certificate marked as Ex.A2. The Plaintiff has also produced the Certified Copy of the Nikah Register Extract, marked as Ex.A1, to establish the solemnization of marriage on 21.01.1985. The evidence on record clearly demonstrates that the Plaintiff has unequivocally expressed her intention to dissolve the marriage and the same has been duly communicated to the Defendant. It is well settled that the validity of *Khula* does not depend upon the consent or concurrence of the husband once the intention of the wife to terminate the

marital tie is clearly manifested. The oral testimony of the Plaintiff remains cogent, credible and unshaken.

5. In *X v. X*, 2022 SCC OnLine Ker 5512, the Hon'ble Division Bench of the Kerala High Court has authoritatively held that a Muslim wife can terminate the marriage unilaterally by invoking *Khula*, and such right is an independent and autonomous right, not contingent upon the will or acceptance of the husband. The Court further observed that when there exists no effective mechanism for recognising such dissolution in cases where the husband withholds consent, the wife is entitled to invoke *Khula* independently. The said judgment traces the origin of *Khula* to Quranic principles, particularly the verse:

“If you fear that they cannot keep within the limits of Allah, then there is no blame upon either of them concerning that by which she ransoms herself.”

(Qur'an 2:229)

6. This verse embodies the fundamental principle that a Muslim woman possesses the autonomy to dissolve her marriage by her own volition, subject to equitable considerations such as return of dower, thereby affirming that the will of the wife alone is sufficient to effectuate such dissolution.

7. In the present case, the Defendant has remained ex parte. However, even in ex parte proceedings, the burden lies upon the Plaintiff to establish her case independently. Upon careful appreciation of the oral and documentary evidence, particularly Ex.A1 and Ex.A2, this Court is satisfied that the Plaintiff has successfully

discharged her burden. The evidence clearly establishes that the Plaintiff has validly exercised her right of *Khula* in accordance with law.

8. Accordingly, in view of the settled legal position and the unimpeached evidence on record, this Court holds that the Plaintiff is entitled to the relief of declaration. It is hereby declared that the marriage between the Plaintiff and the Defendant stands dissolved by virtue of the valid exercise of *Khula* by the Plaintiff, and consequently, the Defendant is no longer the husband of the Plaintiff.

In the result, the suit is decreed. It is hereby declared that the marriage solemnized between the Plaintiff and the Defendant on 21.01.1985 stands dissolved by virtue of the valid exercise of Khula by the Plaintiff on 12.01.2026. Consequently, the Defendant is declared as no longer the husband of the Plaintiff. No order as to costs.

Dictated to the Steno-typist directly and typed by him in computer, corrected and pronounced by me in open court, this the **18th day of March 2026.**

**District Munsif,
Shencottai.**

Plaintiff Side Witnesses:

PW1.. Pathumuthu Saral (Plaintiff)

Plaintiff Side Documents:-

Ex.A1 21.01.1985 Certified copy of Nikah Register Extract.

Ex.A2 19.01.2026 Original Khula Certificate.

Ex.A3 -- Copy of the Plaintiff's Aadhaar Card.

Defendant side Witnesses & Documents:

Nil.

**District Munsif,
Shencottai.**

DM Court, Shencottai,
O.S.No.8/2026
Draft/Fair Judgment
Dated 18.03.2026