

IN THE COURT OF THE SUBORDINATE JUDGE, TAMBARAM

Present :Tmt. S.Meenakshi, B.A., B.L.,(Hons)

Subordinate Judge, Tambaram.

Wednesday the 28th day of June 2023

Thiruvalluvar Aandu 2054, Shobakirudhu Varudam, 13th day of 'Ani'

H.M.O.P.No. 330/2022

(CNR.No.TNKPoD-001004-2022)

Mr. P.Senthilkumar, ... Petitioner

Vs.

Mrs. V.Sangeetha, ... Respondent

This petition is coming before me for final hearing on 13.06.2023 in the presence of Mr.C.Deivasigamani, Mr. M.Chellakannu and Mr. S.Ananthan, counsels for the Petitioner, and the Respondent remained exparte and upon hearing the Petitioner's case, perusing entire case records and having stood over for consideration till this day this court delivered the following

ORDER

This petition was filed under section 13(1)(ia) of Hindu Marriage Act, to dissolve the marriage solemnized between the petitioner and the respondent on 12.09.2018 at Thiruporur Murugan Temple, on the ground of cruelty.

2. The Petitioner has averred in his petition that the parties' marriage was solemnized on 12.09.2018 at Thiruporur Murugan Temple, as per Hindu rites and customs. The differences of opinion between the parties went to the extent of

separating the Petitioner from the Respondent, based on the cruelties suffered by the petitioner at the hands of the respondent, and also she has deserted the petitioner without considering their future, and the efforts taken to save the marital bond were all went into vain. The marriage between the petitioner and the respondent has become irrevocably broken down and the existence of the marriage is not just and safe for himself. Hence this petition.

3. **Points for determination:** -

Whether the Petitioner is entitled to the decree of divorce as prayed for?

4. **Point No.1 :-**

On perusal of case records, it can be learnt that, though the respondent had received the court notice had chosen not to appear before this court, to file her counter and participate in the enquiry proceedings in order to contest the case of the petitioner and so was set exparte. Based on the non compatibility the petitioner had approached this court by seeking decree of divorce on the ground of cruelty. On perusal it can be seen that the petitioner had alleged so many incidents of cruelties met out by the petitioner at the hands of the respondent, to prove the same the petitioner examined himself as P.W.1 through proof affidavit and had produced Ex.P.1 to Ex.P.4 to substantiate his principal's pleadings.

5. Further, the oral and documentary evidences adduced on the side of

the Petitioner clearly supports his case. There is no contrary evidence available on record to suggest that the case of the Petitioner is false, since, the respondent has failed to appear before this court though had received the court notice in order to disprove the petitioner's contentions, she was set exparte. The facts and circumstances makes it clear that the Petitioner is entitled for an order as prayed. In view of the discussions supra, this court is of the considered opinion that the Petitioner is entitled to the decree as prayed for and this point is answered accordingly.

6. In the result, this petition stands allowed and thereby the marriage solemnized between the petitioner and the respondent on 12.09.2018 at Thiruporur Murugan Temple, is dissolved on the ground of cruelty and decree of divorce is granted accordingly. No cost.

Dictated to the Steno Typist, typed by her directly in computer, corrected and pronounced by me in the open Court this the 28th day of June 2023.

Subordinate Judge, Tambaram.

Petitioner,s side witnesses:-

PW.1- Mr. P.Senthilkumar,

Petitioner's side exhibits:-

Ex.P.1/PW.1- 12.09.2018 Marriage Invitation

Ex.P.2/PW.1 -- Joint Marriage Photo

Ex.P.3/PW.1 -- Petitioner's Aadhaar card - Photo copy

Ex.P.4/PW.1 -- 17.07.2021 O/c of legal notice

Respondent's side witness and exhibits : Nil

Subordinate Judge, Tambaram.