

IN THE FAMILY COURT THODUPUZZHA

Present: Sri. JOSH Y JOHN, JUDGE

Monday, the 28th day of July, 2025/06th day of Sravana, 1947

O.P (SMA) No. 528/2024

PETITIONER :-

Josh y, aged 43 years, S/o Baby, Meenamkudiyil House, Vannappuram Kara, Vannappuram Village, Thodupuzha.

By Adv. C.K. Anilkumar

RESPONDENT :-

Rejeena, aged 33 years, D/o Haneefa, Kuppakkattumattom House, Nedumkandam Kara, (Nedumkandam P.O.), Kalkoonthal Village, Udumbanchola Taluk.

Set exparte

This petition has been filed under Section 27(1)(b) and (d) of the Special Marriage Act for dissolution of the marriage between the petitioner and the respondent on the ground of desertion and cruelty and coming on for hearing before me on 21.07.2025 and having been stood over for consideration till 28.07.2025 and the court on the same day delivered the following :-

J U D G M E N T

Original petition is filed u/S. 27(1)(b) and (d) of the Special Marriage Act for dissolution of marriage between the petitioner and the respondent on the grounds of desertion and cruelty.

2. The allegations in the petition are as follows:- The petitioner and the respondent are husband and wife respectively. The marriage between the

petitioner and the respondent was registered on 16.11.2009 before the Marriage Officer, Karikod, as per the provisions of Special Marriage Act. After the marriage, the petitioner and the respondent were living together as husband and wife in the residence of the petitioner at Vannappuram. In their wedlock, two children were born. During the initial days, they lived together without any problem. Later the character of the respondent changed and she began to chat with a man named Prajeesh at Nedumkandam. The said Prajeesh and the respondent were in love before the marriage. Knowing this, the petitioner warned the respondent but in vain. The respondent began to neglect the petitioner and this caused much mental pain to the petitioner. The respondent behaved very rudely to the petitioner. Later, the respondent and her male friend resided in a lodge at Ettumanoor and this fact was agreed by the respondent. After this incident, the relationship between the petitioner and the respondent became worse. Thereafter the respondent tried to go abroad and this was objected by the petitioner. Infuriated by this, the respondent abandoned the petitioner and the children and deserted them from 2021 November. From the year 2021 onwards the petitioner and the respondent are living separately. The marital relationship between the petitioner and the respondent became irretrievably broken due to the desertion and cruelty from the part of the respondent. Hence this petition.

3. The respondent remained exparte.

4. The petitioner was examined as PW1. Marriage certificate was marked as Ext.A1.

5. The points for consideration are:-

1. Whether the petitioner is entitled to get a decree dissolving his marriage with the respondent, that registered on 16.11.2009 on the grounds of desertion and cruelty?
2. Reliefs and costs?

6. **Point No. 1:-** The petitioner gave evidence in tune with his case, disclosing the cruelty and desertion exerted on him by the respondent. The petitioner could prove through his affidavit and Ext. A1 that the respondent is his legally wedded wife and that their marital relationship is irretrievably broken down due to the cruelty and desertion committed by her against the petitioner. No challenge is made to this evidence making me to accept it as proved. This entitles the petitioner to get a decree of divorce of his marriage with the respondent as prayed for in the petition. This point is answered in favour of the petitioner.

7. Point No. 2:- In the result,

- i) The petition is allowed.
- ii) The marriage between the petitioner and respondent registered on 16.11.2009 is hereby dissolved on the grounds of cruelty and desertion on the part of the respondent, with effect from the date of passing of this judgment.
- iii) No cost.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in the open court on this the 28th day of July, 2025.

JOSHY JOHN
JUDGE

APPENDIX

PETITIONER'S EXHIBIT :-

A1 - 16.11.2009 - Certificate of marriage issued from the marriage officer, Karikode

RESPONDENT'S EXHIBIT : NIL

PETITIONER'S WITNESS :-

PW1 - 21.07.2025 - Joshy M.B.

RESPONDENT'S WITNESS : NIL

JUDGE