



WEB COPY

CMSA No. 36 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

CMSA No. 36 of 2026

Prema Ponmani
W/o. R .Muralitharan,
D.No.158/D, Brooklands,
Coonoor - 643101.
Nilgiris District

..Appellant(s)

Vs

R.Muralitharan
S/o. P.Ramasamy,
No.88, 89, Murali Vilas,
Grays Hill, Bedford,
Coonoor- 643101.
Nilgiris District.

..Respondent(s)

CMSA No. 36 of 2026

Civil Miscellaneous Second Appeal filed under Section 100 of CPC r/w Section 13(1)(ia) of Hindu Marriage Act, 1955, to allow this appeal thereby setting aside the Common Judgement and decree dt. 20.06.2025 passed in CMA No. 3 of 2024 by the Honble District Court, Nilgiris District at Udhagamandalam, which partly confirmed the Common Fair and Final Order dt. 26.03.2024 passed in H.M.O.P No. 24 of 2021 by Honble Sub Court, Coonoor.

For Appellant(s):

Mr.S.L. Sudarsanam



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Order

(Order of the Court was made by S.M.Subramaniam J.)

The appeal is admitted on the following substantial questions of law.

(i) Whether the Lower Appellate Court being the final court of facts failed to analyse the pleadings and evidences available on record independently and dismissed the Civil Miscellaneous Appeal filed by the appellant herein by a cryptic and non-speaking Judgment with total non application of mind and with improper framed issues for determinations under contravention?

(ii) Whether the Lower Appellate Court miserably erred and committed illegality in dismissing the C.M.A.No.3 of 2024 filed by the Appellant with regard to HMOP No.24/2021 for the relief of Restitution of Conjugal Rights and granting Judicial separation by giving a cooling period to both parties for reconciliation and reunion?

(iii) Does the judgment of the Lower Appellate Court suffers from total misreading of Judgment and decree passed by the Trial Court in HMOP No.24/2021 insofar as the relief of Restitution of Conjugal Rights particularly when the Court has given a finding that the respondent himself has



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voluntarily contributed for it and played a role, in treating him with cruelty by his wife after marriage and so part of the wrong is on the husband resulting in such treatment of cruelty marriage and so he is not entitled for divorce but entitled only for judicial separation from his wife so as to give a cooling period for both of them towards reconciliation and reunion in future which does not disentitle the appellant from getting relief of reunion?

Notice to the respondent returnable in four weeks. Private notice is also permitted.

Post the matter after four weeks.

VSI

(S.M.S.,J.) (N.S.,J.)
16-07-2026

(1/3)



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**S.M.SUBRAMANIAM J.
AND
N.SENTHILKUMAR J.**

vsi

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(1/3)**