



WEB COPY



CMSA(MD) NO. 1 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19-01-2026

CORAM

THE HONOURABLE MR JUSTICE P.VADAMALAI

CMSA(MD) NO. 1 of 2026

Saratha Ramakrishnan

Appellant(s)

Vs

Rajarajeswari

Respondent(s)

For Appellant(s):

Mr.S.Kumar,
Advocate

Prayer : Civil Miscellaneous Second Appeal filed under Section 100 of Civil Procedure Code, to set aside the Judgment and Decree made in H.M.C.M.A.No.4 of 2025 dated 15.10.2025 on the file of the Additional District Court, Tenkasi, reversing the Judgment and decree made in H.M.O.P.No.126 of 2020 dated 21.02.2025 on the file of the learned Additional Subordinate Judge, Tenkasi and allow the appeal.

ORDER

Heard the learned counsel for the appellant.

2. Admit.

3. The following substantial questions of law are framed :

“ (a) *Whether finding of the lower Appellate*



WEB COPY



CMSA(MD) NO. 1 of 2026

Court is right in holding that the appellant has failed to prove mental cruelty attributed against the respondent, without looking in to Ex.P3, Ex.P4, Ex.P14, Ex.P15?

(b) Whether the lower Appellate Court is right in well considered and reasoned judgment of the trial Court, without any justifiable reasons?

(c) Whether the lower Appellate Court is right in granting relief of restitution of conjugal rights in favour of the respondent without considering that marriage fond between the appellant and the respondent is beyond repair and irretrievable breakdown?"

4. Issue notice to the respondent returnable by four weeks. Private notice is also permitted.

5. Registry is directed to call for the records in H.M.C.M.A.No.4 of 2025 from the file of the learned Additional District Judge, Tenkasi, as well as that of the learned Additional Subordinate Judge, Tenkasi, in H.M.O.P.No.126 of 2020.



WEB COPY



CMSA(MD) NO. 1 of 2026

6. List the matter **after four weeks**.

mkn

19-01-2026
(1/2)



WEB COPY



CMSA(MD) NO. 1 of 2026

P.VADAMALAI, J.

mkn

CMSA(MD) NO. 1 of 2026

19.01.2026

(1/2)