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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17-11-2026

CORAM

THE HON'BLE DR. JUSTICE P. MURUGAN

CMA(MD) No. 35 of 2025

CNR:{HCMD015390312024}

Case QR

AND

CMP(MD) No. 434 of 2025

T. Jeyasingh Raja

..Appellant/Respondent

Vs

G. Prema

..Respondent/Petitioner

PRAYER: Civil Miscellaneous Appeal filed under section 55 of Indian Divorce Act to set aside the judgment and decree passed in I.D.O.P. No.125 of 2023 dated 23.08.2024 on the file of Principal District Judge, Madurai.

For Appellant : Mr. I. Joshua Anandaraj.

For Respondent : M/s. M.Rajeswari.

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JUDGMENT

The husband, who was the respondent before the Trial Court, is the appellant in this case. The wife filed a petition for divorce under section 10(1)(x) of the Divorce Act, 1869, against the husband, and the same was allowed by the Trial Court by the impugned order. Aggrieved by the same, the husband has filed the present appeal.

2. The litigative status of the parties is referred to stood before the trial court. Accordingly, the appellant is referred to as the respondent/husband and the respondent is referred to as the petitioner/wife.

3. Brief facts of the divorce petition is that the petitioner married the respondent on 11.05.2005 at TELC Good Samaritan Church, Pramalayanpatti, Uthamapalayam Post and Taluk, Theni District as per Christian rites and customs. Out of the wedlock, they were blessed with twins, one daughter, Jovitha, and one son, Thomsan, on 20.05.2007. During their marital life at Tharangampadi, the respondent was working as a teacher at a TELC Boys Higher Secondary School. He developed some extra marital

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relationships with several women. When the same came to the knowledge of the petitioner, she requested him to refrain from such illegal activities. However, he continued the same. Thereafter, the respondent started harassing and assaulting the petitioner, even in the presence of their children. The respondent was addicted to consuming alcohol and ganja. His mother was also in the habit of consuming alcohol. Even then, the petitioner tolerated his conduct, considering the welfare of the children. Though the respondent, being a teacher, was expected to be a role model for others. But he did not behave properly towards the petitioner and the children. The respondent's deviation from family life caused immense mental agony to the petitioner. The respondent repeatedly assaulted the petitioner and the children. When the petitioner questioned the respondent about his illegal relationship with other women, he physically assaulted her. Thereafter, the petitioner left the matrimonial home on 20.11.2021. The respondent returned all the Sridhana articles to the petitioner. The petitioner issued a lawyer notice dated 29.11.2021, seeking divorce, for which, the respondent sent a false reply. Unable to bear the mental and physical cruelty inflicted upon her, the petitioner filed the divorce petition seeking

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dissolution of the marriage under section 10(1)(x) of the Divorce Act, 1869.

4. Brief facts from the counter filed by the respondent is as except the marriage and the fact that two children were born out of the wedlock, all the other allegations made by the petitioner are denied. The respondent contended that the petitioner insisted that his property be sold and the sale proceeds be shared with her brothers, which was not accepted by the respondent. The petitioner used to quarrel and fight with the respondent and his aged mother. She also used to fight in public places without any reason. The respondent contended that he was a good teacher in society and that he had not indulged in any illegal actions with anyone. The petitioner did not take proper care of the children for their welfare and upliftment. The allegation that the respondent's mother consumed alcohol was imaginary and an invented one. The respondent came to know that the petitioner had availed a loan of Rs.2,00,000/- from a society and given the same to her parents. The petitioner had employed a housemaid but did not pay her salary. When the said maid demanded her salary, the petitioner abused her by alleging that she had an illegal relationship with the respondent, which was not true. The

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petitioner herself left the matrimonial home, and the respondent was not responsible for the same. The respondent also contended that he had been sending money to the petitioner's parents then and there. The petitioner is earning a monthly salary of Rs.50,000/- as a teacher. Hence, the respondent sought dismissal of the divorce petition.

5. The trial court conducted an enquiry, during which the petitioner examined one witness and marked Ex.P1 to Ex.P10 on her side. On the side of the respondent, one witness was examined and Ex.R1 was marked.

6. After analysing the facts and evidence, the Trial Court held that the alleged illegal relationship of the respondent with other women had not been proved. However, it further held that the respondent was in the habit of consuming alcohol and other drugs and had also assaulted the petitioner. Taking into consideration of the mental cruelty suffered by the petitioner, the Trial Court granted a decree of divorce on the ground of cruelty. Aggrieved by the said decision, the husband has filed the present appeal.

7. Heard both sides and perused the records. The submissions made by both sides have been carefully considered.

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8. The Point for consideration is as to:

(i) Whether the Trial Court was correct in holding that the respondent had committed cruelty towards his wife and whether the impugned order granting a decree of divorce is liable to be interfered with?

(ii) To what other relief?

9. From the facts and evidence available on record, there is no dispute regarding the marriage between the parties. Out of the wedlock, they were blessed with twins, one female child and one male child, who were born on 20.05.2007. As on date, both the children have attained majority. The respondent is working as a teacher. Likewise, the petitioner is also working as a teacher. It is the case of the wife that the respondent subjected her to various forms of physical and mental cruelty. The respondent was also in the habit of consuming alcohol, ganja and other drugs. When the petitioner questioned him about the same, the respondent neglected her and, on one fine day, sent her out of the matrimonial home on 20.11.2021. Thereafter, the respondent returned all the Sridhana articles to the petitioner. The said allegation was denied by the husband,

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contending that the petitioner herself had left the matrimonial home and that he had not driven her out.

10. However, from the evidence adduced before the Trial Court, it is seen that the respondent admitted having returned all the Sridhana articles to the petitioner. As disclosed by the evidence, which was extensively dealt with by the Trial Court, the petitioner had also lodged a complaint before the police, in which the respondent gave an assurance that he would not consume alcohol in future.

11. Having the respondent being a Teacher, misbehaving with his wife and children cannot be digested. Ex.P9 is a pen drive containing the recordings relied upon by the wife to establish that the husband used to quarrel with and harass her then and there, even in the presence of their children. The contents of the pen drive were played on the computer of this Court. Upon randomly examining the recordings, it was noticed and heard that there was a friction, and the audio recordings probablizing that the husband had teased and abused the wife. Several audio recordings were found in the pen drive, out of which a few were played and heard. The said

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recordings disclose that the husband had subjected the wife to mental cruelty by continuously harassing her.

12. The Trial Court had also dealt with the evidentiary aspects and arrived at the conclusion that the husband had committed mental cruelty. The Trial Court found that there was a reasonable apprehension in the mind of the wife that it would be harmful or injurious for her to live with the husband. The Trial Court had considered section 10(1)(x) of the Divorce Act, 1869, and ultimately concluded that the conduct of the husband falls within the category of mental and physical cruelty. Accordingly, the decree of divorce was granted.

13. The respondent in his evidence admitted that he had frequently conversation over the telephone. The CDR details were marked as Ex.P10, which disclose that lengthy telephone conversations had frequently taken place between the respondent and another person. The husband also admitted the police complaint and the lawyer's notice issued by the wife. However, the respondent was not aware of the whereabouts of the children since 2021.

14. Though the learned counsel for the appellant contended that the appellant, being a teacher, had not committed any act of

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cruelty, but the facts and evidence available on record establish that the conduct of the husband amounts to mental and physical cruelty. Though the husband claims to be a good teacher, his conduct shows that he has not discharged his duties as a husband and has also failed to act as a role model for his two children.

15. Therefore, the Trial Court granted a decree of divorce, which is correct as per the facts and evidence of the case. The grounds raised by the husband before this Court are not satisfactory to warrant interference with the findings of the Trial Court. Accordingly, the appeal is liable to be dismissed. The point for is answered against the husband, confirming the decree of divorce granted by the Trial Court. There is no order as to cost.

16. In the result:

(i) This Civil Miscellaneous Appeal is dismissed;

(ii) The decree of divorce granted by the Principal District Judge, Madurai, in I.D.O.P. No.125 of 2023, dated 23.08.2024, is hereby confirmed; and

(iii) No cost.

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17. Consequently, connected miscellaneous application stands closed.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To:

1. The Principal District Judge,
   Madurai.

2. The Section Officer,
   VR Section,
   Madurai Bench of Madras High Court.

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