

IN THE COURT OF III ADDITIONAL PRINCIPAL FAMILY COURT
Tmt. V. Thenmozhe, B.Sc., M.L.,
III Additional Principal Judge
Wednesday, the 26th day of February 2025
O.P.No. 2165 of 2020

Shilaja T R

... Petitioner

-Vs-

Ajeesh Kumar S

... Respondent

This petition coming on 19.02.2025 for final hearing before this court and upon perusing the petition, counter and other connected material papers and having stood over for consideration till this day, this court delivered the following:-

ORDER

This petition has been filed under Section 13 (1) (i-a) and 25 of Hindu Marriage Act, praying an order to dissolve the marriage solemnised between the petitioner and the respondent on 09.04.2005 at Palliyarakkavu Devi Temple, Vettiayar and registered at Secretary and Registrar of Hindu Marriages, Thazhakkara Grama Panchayat office, on the ground of cruelty and to direct the respondent to pay a sum of Rs.5 crores as permanent alimony to the petitioner.

2) The petition in brief:-

Their marriage was solemnized as per Hindu rites and Customs on 09.04.2005 at Palliyarakkavu Devi Temple, Vettiayar and the marriage has been legally registered at Secretary & Registrar of Hindu Marriages, Thazhakkara Grama Panchayat office. The respondent had immigrated to UAE with the hope and dream to find a job. The petitioner further submits that the respondent had found a job and was working as a purchase executive at a furniture manufacturing company. The petitioner further submits that she had immigrated to UAE on a visitor visa and found a job in a Bahrain based car rental firm.

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On 12.12.2013 they had returned to UAE, wherein the respondents parents had repeatedly harassed the petitioner to advance her entire salary to the respondents parents and to withdraw any help to the petitioner's parents towards closure of the loan taken at the time of marriage. The respondent's parents had forced and demanded the petitioner not to advance any payments towards the treatment of her father. However, the petitioner further submits that she had refused to accept these heartless demands made by the respondents parents and had taken her father to the hospital to avail the best and proper treatment.

She had been accused of adultery at the hands of the respondent without any proof or evidence to prove such accusations against the petitioner. The petitioner further submits that she had been repeatedly threatened by the respondent that he would pour acid on her face in front of their daughter if she ever confronted the petitioner with regard to these allegations raised. When she had returned to cochin on 31.12.2013 that the respondent had looked the house premises and changed the whole lock set. The petitioner further submits that she had travelled all the way to cochin with her daughter and was forced to travel another 4 hours with her daughter to her native house to leave her daughter. She had file filed a complaint in the Commissioner's Office, Cochin the very next day with regard to the issue towards which they had instructed the petitioner to open the lock and enter the premises as the respondent refused to answer their phone calls. The petitioner further submits that she has made to wait till late night to receive permission from the police authorities to break the lock

She took a rented house (INR 6500/Month) in July 2014 and shifted from her sister's house with her daughter. The petitioner further submits that due to continuous WhatsApp chats and calls from the respondent, pressure from family members considering their daughters wellbeing; the petitioner decided to reconcile with the respondent and started living together in Chennai. The

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petitioner further submits that the respondent was jobless, and the petitioner was taking care of the entire living cost and other expenses of the family.

The respondent got a job in a company named Indigo Blue, which is a Hospitality Management Company located at Nungambakkam, Chennai. The petitioner submits that by the time the respondent sold his entire business share to his partner and took money from him. The petitioner further submits that, after receiving his business share from the Ice cream Franchisee business, the respondent refused to close the gold loan which he had availed and used for the business. The petitioner further submits that based on her salary she had availed a personal loan from HDB Financial and closed the gold loan in Chennai & Kerala to retrieve the gold pledged for the respondent's business needs.

In 2017 she was forced to bring back her daughter to Chennai, mid of the academic year 2017-2018 due to various issues and insecurities caused by the respondents parents at Kerala. The respondent has published his company details in Indiamart Website and has clearly mentioned that his paid up capital is 10 lakhs and the annual turn-over is Rs 5,00,00,000/- to Rs 10,00,00,000/- INR. but the respondent had still refused to maintain the petitioner and her daughter, stating that the respondent her insufficient funds and cannot contribute towards running the household. Ever since their marriage has irretrievably broken down, the respondent has been constantly subjecting the petitioner through physical and mental torture. The petitioner submits that the most recent physical assault occurred on the night of 12.07.2020, where the respondent has beaten up the petitioner with a power extension cord and attempted to choke the petitioner unconscious. The petitioner further submits that she was severely bleeding from her head and also succumbed to various head injuries. The petitioner further submits that the respondent had absconded and shifted to his office accommodation and has been residing there ever since this incident, to avoid any legal consequences. Hence the petition.

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Respondent in Brief:-

The respondent admitted that respondent had immigrated to UAE in March 2006 to find job and get job as Inventory Controller with a furniture factory at a Salary of AED 2200/. The respondent denies that, the averment made by the petitioner for 65 sovereign gifted is absolutely false. Petitioner's parents home was put for auction in the month of April 2007 by the cooperative bank authorities due to non payment of loans, petitioner immediately after getting job in the month of April 2007 availed loan from different banks to settle the debts in back home.

The Respondent admitted that Petitioner and Respondent together returned at UAE on 15.06.2008, wherein by the time the Petitioner demanded not called Respondent's parents on phone and if they call Respondent while at home, Petitioner used to abuse Respondent's parents with filthy languages which finally ended up in putting knife on Respondent's left arm. All these stories including debts in UAE for Petitioner & Respondent were informed to Petitioners Sister & Family by Respondent parents and never demanded any dowry. Petitioners father was a chain smoket of beedis & chewing tobacco and a heavy acholic person, this has led him for blockage in heart valve and hole in lungs, which cannot arise in one day proves the authenticity of the complaint by the Petitioner

The Respondent denies that the allegation and fact is Respondent got Job with an IT Development & Distribution company in Cochin with a Salary of 18000/ on request with the management on the fact that Wife is also looking for a Job to survive in the City Life, Management favored Respondent to offer Job for the Petitioner too in the same firm. Due to the act of Petitioner favoring an employee during some labor disputes, management has deducted salaries for additional leave taken on religious holiday by the Respondent, the Petitioner and

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other 3 Members. This together made Petitioner, Respondent and other employees to put resignation together.

The Respondent had paid his several times contribution and Petitioner never bothered to pay for the Gold Loan of 50000/-, later due to delayed salaries for 60days plus from the facility management company Respondent quite the job in May 2016 and got job as BDM in a Laundry company for Rs. 45000/- in Aug 2016. Mean time both Respondent and Petitioner Changed the rental home to AGS Colony Velachery for better commutation at same rent of Ambattur. Dispute Due to the financial status change in both the parties and the missing feelings of Daughter, it was decided to bring daughter to Chennai and St John's school was next to Petitioner's office, so admission was arranged. To pay the initial admission fee Gold was pledged and later it was taken back. For easy commutation both parties decided to shift from Velacherry to Vettuvakani and Flat was take on rent in the name of Petitioner Due to unauthorized EB line tampering done by the landlord the Respondent has enquired with the landlord which led to vacating the flat. Another business was started in the year Sep 2017, a private limited company was registered by Brother and Respondent was appointed as one of the directors. It was the plan of Petitioner to rent an independent villa instead of flat and Petitioners herself has visited the house and given the token of advance. Later together with the Respondent and Petitioner contributed the house rental deposit and signed the rental agreement in her name.

The Respondent had quite job in the Jan 2019 since Respondent felt to offset the mentally pressure and sadness by focusing on own business. It came to the knowledge of Respondent that Petitioner took independent villa house to hide Petitioner adulterous life and to bring her paramour Mr. Adharsh Tharikunni G to the home during as per the travel plan (out of station travel as the job demaded) of the Respondent Petitioner's Paramour had stayed in the

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several times in Respondent's absence This instance of adultery was known to the Respondent in Nov 2018 and this made Respondent to take a decisions to quite the job to avoid out station travels. To adhere to the family needs of the Petitioner, which include upgradation of car, purchase habitual changes credit cards and loans were taken in my name to satisfy the needs of the Petitioner

The Respondent denies the averments stated in the petition of the respondent whereas the actual scenario was the respondent was put to unconscious by the Petitioner and her Paramour Mr. Adharsh Tharikunni G (On Video Call) to get the Respondent Mobile Phone to delete all the Proofs data's of their relation. If the court can scrutiny the video submitted by Petitioner, Court can find her Paramour in the Video Chat Box, which clarifies their relation. Also all these things are captured in detail by the Respondent police complaint too. Court can find that Respondent is only shouting at the her paramour Mr. Adharsh Tharikunni G after reliving from the unconsciousness for the act he has done and its Petition only beating the Respondent with the power extension cord and on return Respondent has beaten her back. (Police Complain Copy Attached herewith)

The Respondent stated that due to the limited cloud storage space, all the records captured had only a life of 24hrs, within the limit the required files have to be backup from the server. And hacking a server which is managed by D-Link US, the hacker should get that much benefit out of it, which the chance is zero percentage in this case. As said in point 24, bedroom voice clips are only captured and none of the video or voice clips are circulated in any web series. Respondent is totally aware of the safety of his daughter too and does not have any intention on it. As mentioned earlier the Respondent has no other choice to safe guard his daughter safety & life as Petitioner was running an adulterous life and no other option to prove the innocence of the Respondent to the judiciary.

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Every time when the Respondent advises the Petitioner (G. Jayaram) from the adulterous activities considering the family social status and daughters life, Petitioner threatens Respondent, saying she will by putting fabricated cases against Respondent and his parents like Money suit, Domestic violence, 498A... Hence the petition may be dismissed.

4) PW1 was examined on the side of the petitioner and Ex.P1 to P5 were marked.

5. The Point for consideration :

Upon considering the petition, counter and other materials this court has framed the following points for consideration:

- i) Whether the respondent caused cruelty to the petitioner?
- ii) If so whether the same is a sufficient ground to dissolve the marriage between the petitioner and the respondent?
- iii) Whether the petitioner is entitled for permanent alimony as prayed for?

6) Answer to the Points (i) to (iii):-

Petition is for divorce on the ground of cruelty. Wife is the petitioner herein. The respondent/husband has resisted the petition by filing counter. But subsequently failed to pay the interim maintenance amount ordered by this court in the M.C.No.195 of 2021 and hence his defence was struck off by this court as per order in I.A.02/2024. The said order in I.A was upheld by the Hon'ble High Court. Even after grant of time by the Hon'ble High Court the respondent has not paid the interim maintenance.

7) The petitioner has examined herself PW1. She has produced the Marriage photograph as Ex.P1 and the copy of Marriage Certificate as Ex.P2.

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the above documents the petitioner has proved the marriage with the respondent. The respondent has also admitted the marriage with the petitioner in the counter. The petitioner has produced her bank passbook as Ex.P5 to prove her address. The address mentioned in the petition has been mentioned in the 1st page of the passbook. Though the respondent has stated that the petitioner has fabricated a document with new address for the purpose of court jurisdiction the same was not ^{by} been proved by him by participating in the enquiry for complying the order of interim maintenance.

8) The petitioner alleges cruelty in the hands of the respondent. The petitioner has filed the petition U/S 13(1)(ia) of the Hindu Marriage Act alleging cruelty in the hands of the respondent. Section 13 (1) (ia) of Hindu Marriage Act reads as follows:-

“Any marriage solemnised, whether before or after the commencement of this Act, may, on a petition presented by either the husband or the wife, be dissolved by a decree of divorce on the ground that the other party (ia) has, after the solemnization of the marriage, treated the petitioner with cruelty”

As per the above provision law if the behaviour of one spouse towards the other spouse results in a reasonable apprehension in the mind of that spouse that it is not safe for him/her to continue to stay in the matrimonial relationship, the affected spouse is entitled for divorce on the ground of cruelty.

9) The petitioner has examined herself as PW1. She has levelled the following allegations in her petition and in her evidence.

(i) The respondent's parents harassed the petitioner to advance her entire salary to them.

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(ii) The respondent's parents demanded dowry stating that the respondent had an affair with a Muslim woman who promised to deposit Rs.50 lakhs for the respondent at the time of marriage.

(iii) The said demand of the respondent's parents led to the petitioner's father having a cardiac arrest and admitted in hospital.

(iv) The respondent's parents forced the petitioner not to give any money for her father's treatment.

(v) The respondent availed 12 credit cards and various loans without petitioner's knowledge and due to the same her entire earnings were spent towards running the matrimonial home.

(vi) The respondent accused the petitioner of adultery without any basis.

(vii) When the respondent returned to Kochil 31.12.2013 the respondent locked the house premises and changed the lock set. The petitioner waited until late night and she has lodged a complaint and obtained permission the police to break the lock.

(viii) The respondent has not paid the rent for three months.

(ix) The police registered FIR under Section 498A IPC against the respondent.

(x) Considering the welfare of the daughter and pressure of the family members she reconciled with the respondent to live together at Chennai.

(xi) The respondent joined a company Indigo blue and sold his entire business share to his partner and took money from him.

(xii) Due to the insecurities caused by the respondent's parents the petitioner shifted her daughter in the middle of the academic year 2019-2018 to Chennai.

(xiii) The respondent installed two hidden cameras one in the bedroom and other one in living room.

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10) The respondent can easily store the compromise images and video of the petitioner's activities. The petitioner has filed various complaint, online and directly to the police authorities regarding the above illegal act of the respondent.

10) The petitioner has produced Ex.R3 a photograph to prove her allegations of installation of CCTV cameras. The minor daughter is living with the petitioner. The respondent has not denied the paternity of the child. The petitioner has filed maintenance case claiming maintenance for herself and her minor daughter.

11) The respondent has filed detailed counter denying the allegations against him and levelling allegations against the petitioner. But the respondent has failed to pay the interim maintenance in the M.C.195/2021 filed by the petitioner in MP 731/2021. The petitioner has filed I.A2/2024 to struck off the defence of the respondent in this OP for non payment of the interim maintenance. The said IA was allowed by this court on 10.09.2024. The petitioner has filed CRP(PD). No. 5053/2024 against the order in I.A.No. 02 of 2024 and the same was dismissed on 16.12.2024. In the said order the Hon'ble High Court directed this court to restore the defence of the petitioner if he pays the arrears of interim maintenance till January 2025 on or before 20.01.2025. The petitioner has not complied with the order of the Hon'ble High Court. Hence the order of struck off his defence holds good.

12) In CRP.No. 5053/2024 the Hon'ble High Court held in para 25 as follows:-

In case the arrears of maintenance is cleared till Jan 2025, the defense of the husband will stand restored. The

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Court will also ensure that the husband, before he requests the main proceedings, clears the arrears month on month. Even if there is a month's default, the Court will exercise the power to strike off suo motu and proceed further in accordance with law. The learned trial Judge is requested to defer the proceedings, till 21.01.2025, to enable the husband to clear the arrears. No costs. Consequently, connected Miscellaneous Petition is closed.

Even after the above orders of the Hon'ble High Court the respondent has not paid the interim maintenance. Instead the respondent has filed IA6/2025 to cross examine the PW1. The said petition was dismissed by this court on 19.02.2025 after full fledged enquiry. The respondent has not cross examined the petitioner by participating in the enquiry and adducing evidence. Hence adverse inference is drawn against the respondent. The petitioner has taken the responsibility of upbringing the female child as a single mother and filed a petition for divorce. The allegations in the petition are strong enough to dissolve the marriage between the petitioner and the respondent. Therefore the petition filed by the petitioner for divorce is to be ordered in her favour.

13) The petitioner has prayed for permanent alimony of Rs.5 Crores. The petitioner has filed Affidavit of Assets and Liabilities stating that her monthly expenses is Rs.1,51,000/-. The petitioner has stated in the Affidavit of Assets and Liabilities she is unemployed from January 2021. The petitioner has not stated the reason for her unemployment. The petitioner has studied B.Sc., M.B.A., and previously employed. The petitioner has stated description of jewellerys in Clause G of affidavit of asset and liabilities and her loan detail in clause H of Affidavit of Assets and Liabilities. The petitioner has not come forward to explain how she is meeting out the said expenses and repayment of

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The petitioner has stated that she is having two cars and one son. The petitioner is having sufficient qualification to go for employment and earn for herself. However the respondent has not produced any evidence to show that the petitioner is employed and having sufficient income. The petitioner is having the responsibility to maintain the minor daughter. She has to meet out the expenses of her maintenance and educational expenses. Considering all the above fact this court this of the view that the respondent can be directed to pay permanent alimony of Rs.20 lakhs to the petitioner towards her maintenance and her daughter's maintenance.

In the result, the petition is partly allowed. The marriage solemnized between the petitioner and respondent on 09.04.2005 at Palliyarakkavu Devi Temple, Vettiyar and registered at Secretary and Registrar of Hindu Marriages, Thazhakkara Grama Panchayat office, is hereby dissolved by a decree of divorce on the ground of cruelty. The respondent is directed to pay permanent alimony of Rs.20 lakhs to the petitioner towards her maintenance and her daughter's maintenance. No costs.

Dictated directly to the Steno Typist, typed by him, corrected and Pronounced by me in open court, this the 26th day of February, 2025.

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III Additional Principal Judge,
III Additional Family Court,
Chennai-600 104.

Witness examined on the side of the petitioner:

PW1 - Shilaja T R

Exhibits marked on the side of the petitioner:

- Ex.P1/ - - Marriage Invitation (original)
Ex.P2/ - - Marriage Certificate (xerox)
Ex.P3/ - - Photograph (original)
Ex.P4/ - - Pendrive and 65 B Certificate (original)

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Ex.P5 - Bank account passbook of petitioner (xerox)

Witness on the side of the respondent: Nil

Exhibit on the side of the respondent: Nil

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III Additional Principal Judge,
III Additional Family Court,
Chennai-600 104.

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Hjda.
20.11.25
Superintendent of Copyist

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7268/25

FAMILY COURT CHENNAI	
C.A. No.....	7268/25 20
O.P. No.....	2165/20 20
Application made on.....	217/25 20
Stamps called for on.....	2340/25 20
Stamp papers deposited on.....	2340/25 20
Add. stamps called for on.....	— 20
Add. stamp papers deposited on.....	— 20
Copy made Ready on.....	10.11.25 20
Copy Delivered on.....	25/11/25 20
<i>H.L.</i> Superintendent.	

IN THE COURT OF III ADDITIONAL PRINCIPAL FAMILY COURT AT CHENNAI

Tmt. V. Thenmozhe, B.Sc., M.L.,

III Additional Principal Judge

Wednesday, the 26th day of February 2025

O.P.No. 2165 of 2020

Shilaja T R, W/o. Ajeesh Kumar S, Hindu, aged about 43 years, residing at No. 30, Flat 1/B, Elliots Enclave, 4th Main Road, Besant Nagar, Chennai- 600 090.
... Petitioner

-Vs-

Ajeesh Kumar S, S/o. M.G. Sasidharan Pillai, Hindu, aged about 41 years, residing at Door No. 3/601, Plot No. J-22 1st Street, Govindan Nagar, Palavakkam, Chennai- 600 041.

... Respondent

This petition has been filed under Section 13 (1) (i-a) and 25 of Hindu Marriage Act, praying an order to dissolve the marriage solemnised between the petitioner and the respondent on 09.04.2005 at Palliyarakkavu Devi Temple, Vettiyar and registered at Secretary and Registrar of Hindu Marriages, Thazhakkara Grama Panchayat office, on the ground of cruelty and to direct the respondent to pay a sum of Rs.5 crores as permanent alimony to the petitioner.

This petition coming on 19.02.2025 for final hearing before this court and upon perusing the petition, counter and other connected material papers and having stood over for consideration till this day, this court delivered the following:- DECREETAL ORDER

1. that the petition is partly allowed. The marriage solemnized between the petitioner and respondent on 09.04.2005 at Palliyarakkavu Devi Temple, Vettiyar and registered at Secretary and Registrar of Hindu Marriages, Thazhakkara Grama Panchayat office, is hereby dissolved by a decree of divorce on the ground of cruelty. The respondent is directed to pay permanent

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alimony of Rs.20 lakhs to the petitioner towards her maintenance and her daughter's maintenance.

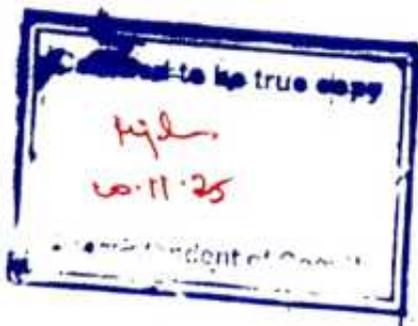
2. that there be no costs.

Given under my hand and the seal of this Court, this the 26th day of February 2025.

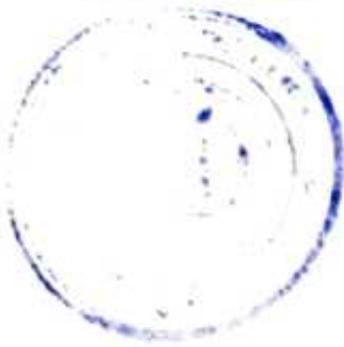
V. Omne

III Additional Principal Judge.

Decretal Order in
O.P.No. 2165 of 2020
Date : 26.02.2025.
III Addl. Family Court



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FAMILY COURT CHENNAI

C.A. No. 7268/25 20

O.P. No. 2165/20 20

Application made on... 21/7/25 20

Stamps called for on... 23/10/25 20

Stamp papers
deposited on... 23/10/25 20

Addl. stamps
called for on..... — 20

Addl. stamp papers
deposited on..... — 20

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Superintendent.

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