

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

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**THE HON'BLE JUSTICE MOUSHUMI BHATTACHARYA
AND
THE HON'BLE JUSTICE GADI PRAVEEN KUMAR**

CIVIL MISCELLANEOUS APPEAL No.494 OF 2025

DATE OF JUDGMENT: 24.04.2026

Between:



.....Appellant

AND



.....Respondent

Mr. S. Nagesh Reddy, learned counsel appearing for the appellant.

Mr. Avinash Desai, learned Senior Counsel representing Mr. P. Vishweswara Nikhil,
learned counsel appearing for the respondent.

JUDGMENT: (Per Hon'ble Justice Moushumi Bhattacharya)

1. The Civil Miscellaneous Appeal has been filed challenging the order dated 08.09.2025 in I.A.No.138 of 2024 in F.C.O.P.No.151 of 2024, whereby the learned Judge, I Additional Family Court-cum-XIV Additional Metropolitan Sessions Court, Hyderabad ('Trial Court') allowed an Interlocutory Application

under Order XXXIX Rules 1 and 2 read with section 151 of The Code of Civil Procedure, 1908 ('CPC') filed by the respondent-husband for *ad interim* injunction restraining the appellant-wife coming anywhere near him or to his house and also to his workplace at [REDACTED], during the pendency of FCOP.

2. The appellant herein is the wife and the respondent herein is the husband. The parties are being referred to as 'wife' and 'husband' for ease of understanding.

3. The respondent husband filed FCOP No.151 of 2024 under section 13(1)(ia)(iii) read with section 27 of The Hindu Marriage Act, 1955 ('1955 Act') for dissolution of marriage with the appellant wife on the ground of cruelty i.e., the wife was of unsound mind and suffering from mental disorder. The husband also sought for return of Rs.60,00,000/- paid to the wife and her parents by way of loan.

4. The IA filed by the husband i.e., I.A.No.138 of 2024 was premised on the grounds that the wife had issues with anger management and displayed psychopathic behaviour and hysteria.

The husband also stated that the wife made his life miserable through persistent nagging and complaints. The husband relied on several incidents occurring from the time of marriage upto September, 2023 to demonstrate the wife's anger issues including instances of alleged physical assault.

5. The Trial Court allowed the IA on 08.09.2025 restraining the wife from going near the husband, his house or his work place during the pendency of the Divorce Petition/FCOP No.151 of 2024. The reason given by the Trial Court in allowing the IA was that the wife suffers from mental disorder and behaves abnormally in front of the husband's family members. We will deal with the reasons assigned by the Trial Court for granting the said relief in greater detail in later paragraphs of this judgment.

6. Learned counsel for the wife submits that the Trial Court erred in giving undue importance to daily incidents as alleged by the husband and concluding that the wife was suffering from a mental disorder. Counsel also argues that the Trial Court arrived at certain findings without any medical records to corroborate such findings. It is also submitted that the impugned order

defeats the intent of the order passed by a Single Judge of this Court on 04.11.2024 in W.P.No.28492 of 2024. Counsel further submits that the Trial Court failed to give weightage to the evidence relied upon by the wife.

7. Learned Senior Counsel appearing for the husband stresses on the fact of the parties lived together as a married couple only for a short duration of 13 months. Senior Counsel places certain incidents, including that of 25.05.2023 and 11.10.2024 to contend that the wife exhibited extreme aggression and uncontrollable rage. Senior counsel further submits that the wife left the matrimonial home on 06.11.2024 pursuant to the order of the learned Single Judge dated 04.11.2024 and that the husband's family members were also drawn into the conflict between the parties. Counsel submits that the family members of the husband were displaced from their own premises and suffered physical and mental agony by reason of the wife's conduct. Counsel submits that the wife gave interviews on news and television channels for the purpose of intimidating the husband and his family. Counsel further submits that the wife has filed a counter-claim for restitution of conjugal rights with the husband. Counsel submits that the husband

established a *prima facie* case, warranting grant of interim protection during the pendency of the FCOP.

8. We have carefully considered the submissions made on behalf of the parties in the light of the documents placed before us.

9. It is admitted that the husband and the wife were married on 04.12.2022 and started to live separately from 18.01.2024. It is obvious that both the parties are in the midst of serious conflicts and disagreements in their marital life. While the husband seeks to rely on certain specific incidents to corroborate his allegations regarding the wife's anger issues, the wife has no explanation for each of these incidents. The wife's answer (through counsel) is that she was provoked by the husband to behave in a certain way and that the husband is squarely to blame for these unfortunate incidents. We do not wish to dilate on the specific incidents including of 25.05.2023, 18.09.2023, 14.01.2024, 16.01.2024 and 11.10.2024 not only because the allegations and counter allegations are unpalatable but also because this is not the Court to consider legal tenability of the husband's Divorce Petition. This Court is only concerned with whether the Trial Court erred in

passing the order, which has serious consequences, and whether such an order was justified during pendency of the Divorce Petition filed by the husband.

10. The impugned order elaborates the individual incidents from August, 2022 to November, 2024 in unwarranted detail only lays emphasis on the husband being subjected to verbal abuse, harassment and physical torture. The Trial Court concludes from these incidents that

‘...There is a gap between the petitioner and respondent due to the acts of the respondent herein, which she has psychiatric and psychopathic methods, therefore, there is no physical relationship between the petitioner and the respondent...’

11. The Trial Court inexplicably concludes that

‘...Therefore, it was established that there is a psychic disorder in the respondent. Therefore, the respondent mother filed DVC. It establishes that there is a hide and seek game was playing by the respondents parents.’

12. The Trial Court’s findings are summarized as follows:

- The marriage of the parties was performed on 04.12.2022.

- Parties were separated on 18.01.2024.
- The husband stated that the wife suffers from psychic disorder since the wife quarreled and behaved abnormally by raising her voice in front of the family members of the husband and maid servants which caused insult to the husband.
- The wife abused the husband in filthy language without any reasonable cause.
- The husband became lonely due to the wife's behaviour and they are sleeping in separate rooms.
- The husband waited for his wife to change her attitude.
- The husband was patient with his wife but the wife gave interviews on youtube Channels and falsely defamed the husband.
- The wife and her family members came to the husband's house and thrown out the husband and his family members out of their own house.
- The wife filed criminal cases against the husband.

- The Trial Court concludes that ‘therefore, there is every threat from the respondent (wife) in the husband’s personal life.

13. The reasons given by the Trial Court have been extracted above. This Court does not wish to paraphrase those reasons since that may result in adding/subtracting the views of the Trial Court. The Trial Court proceeded to allow the IA filed by the husband restraining the wife from coming near the husband, or his home or his work place on the basis of the reasons as extracted above.

14. There are several grounds for interfering with the impugned order. First and foremost, the impugned order is incomprehensible in many places making it difficult to assess the reasons for such a drastic order against the wife. The Trial Court has dwelt on minute incidents to conclude that the wife behaved irresponsibly and unnaturally. The impugned order is entirely premised on the allegations made by the husband and the Trial Court appears to have accepted these allegations without delving into a deeper examination of the explanations/counter-allegations made by the

wife. Hence, the conclusions arrived at by the Trial Court are wholly based on the contentions of the husband for grant of interim injunction. The Trial Court failed to appreciate the wife's defence to these allegations.

15. We also have serious concerns with regard to the directions issued in the impugned order. In simple terms, the wife has been restrained from going anywhere near the husband, his home or work place during pendency of the Divorce Petition filed by the husband. To say the least, this kind of restraint is unusual and unprecedented. We are considering the lives of two individuals - and not chattels - whose movement or mobility can be blocked by orders of Court. Thwarting free access of one individual to another, that too married persons, requires a high benchmark of justification. The impugned order does not disclose any such credible reasons. Family Court matters are wholly different from and dissimilar to criminal matters where a person may be restrained from trespassing in another person's territory based on the first person's criminal history. Giving interviews on social media or filing criminal cases against the husband cannot justify with such severe consequences.

16. Admittedly, the wife sought for restitution of conjugal rights under section 9 of the 1955 Act. The Trial Court overlooked all these issues, including fundamental issues, in passing an order of restraint which would virtually allow the Divorce Petition filed by the husband. We could have appreciated the import of these directions had the impugned order disclosed a logical basis for issuing such directions. As stated above, the impugned order simply reckons the alleged physical and mental agony of the husband and proceeds to grant him an order with drastic consequences.

17. However, our primary objection is to the Trial Court granting relief to the husband on the basis of the finding that the wife suffers from a “psychiatric” and “psychopathic” disorder. This conclusion is wholly bereft of any evidence, let alone medical evidence. The assumption that the wife suffers from mental disorder can only be arrived at on the basis of medical records and/or expert evidence. The Trial Court appears to have reached this finding solely on the basis of individual incidents which (allegedly) showed that the wife is suffering from anger management issues. In our view, such radical assumptions

should be avoided at all costs since they would have an indelible impact on an individual's life - affecting not only her personal relationships, but also her social and professional standing. The Trial Court should have refrained from concluding that the husband required to be protected from the wife only by reason of the wife exhibiting such forms of psychiatric behaviour. We may add that the behaviour relied upon by the Trial Court is purely a physiological – psychological condition which requires specialised medical intervention. Courts are least equipped to arrive at such findings simply on the basis of daily incidents between warring couples in the absence of any expert medical evidence. The impugned order records that the appellant has a “psychic disorder” without recognizing that the word ‘psychic’ has an entirely different connotation which may not even signify a negative trait. Unfortunately, such words have been loosely used without due regard to the stigmatic repercussions on the appellant.

18. Assessing the mental condition of a party, particularly in a divorce case, is an onerous task for the Court. The legal question of whether the marriage between the parties can be dissolved by granting a decree of divorce on the ground of mental illness was

deliberated by the Supreme Court in *Kollam Chandra Sekhar v. Kollam Padma Latha*¹. The Supreme Court agreed with the view taken by the High Court of Andhra Pradesh at Hyderabad that the respondent was not suffering from schizophrenia or an incurable unsoundness of mind. The Supreme Court further held that the appellant therein had not proved the fact of mental disorder of the respondent with reference to the allegations by producing substantive evidence on record. In that case, documents were produced before the Court by way of evidence in respect of the respondent's alleged schizophrenia.

19. In *Vandhana v. Srikanth*², a learned Single Judge of the High Court of Judicature at Madras, in O.A.No.764 of 2007 in C.S.No.548 of 2007, held that the applicant certainly has a right to live in the shared household of the first respondent till dissolution of marriage in a manner known to law. The learned Single Judge further held that the offer of the respondents to pay amounts to the applicant towards rent, however reasonable, cannot negate the right guaranteed under The Protection of Women from Domestic Violence Act, 2005.

¹ (2014) 1 SCC 225

² 2007-4-L.W.460

20. A learned Single Judge of the High Court of Delhi in *Vidyanidhi Dalmia v. Nilanjana Dalmia*³ noted, on the facts of that case, that grant of injunctive relief would practically amount to decreeing judicial separation of the parties without the observance of the requisite standards mandated by law.

21. We have already stated in the preceding paragraphs that the effect of the impugned order passed on the I.A. filed by the husband would virtually amount to a decree of dissolution of marriage without going through a full trial.

22. We should also briefly dwell on the contextual nature of the order passed by a learned Single Judge of this Court on 04.11.2024 in W.P.No.28492 of 2024 filed by the husband and his mother against the Police as well as the wife (respondent No.5 therein) for issuing a Writ of Mandamus against the family members of the wife in involving themselves in civil matrimonial disputes and facilitating criminal trespass upon the private residence of the petitioners therein (husband and his mother).

³ 2008 SCC Online Del 371

23. The learned Single Judge passed the order on 04.11.2024 directing the husband to make arrangements for taking a flat in Jubilee Hills on lease for the accommodation of the wife and that the wife shall shift to the said flat/premises. The order further directed that the husband and the wife to make all possible efforts to lead conjugal life in the flat/premises which was to be arranged by the husband. The order appears to have been passed as an intermediate arrangement to resolve the immediate complaint made by the husband and his family members before the Writ Court. This order would not have any bearing on the Trial Court restraining the wife from going anywhere near the husband, his home or his workplace.

24. The orders passed by the learned Single Judge in the Writ Petition filed by the husband and his family members do not contain any observations which are adverse to the wife, particularly with regard to her mental condition. Hence, the Trial Court could not have assumed, under any circumstances, that the wife needs to be physically restrained or that her movements curtailed during pendency of the FCOP.

25. The issue of the Trial Court only marking the husband's documents and not relying on the evidence brought on record by the wife is secondary to the issue of whether the Trial Court could have caused unnatural barriers to the free movement of the wife - even before adjudicating on the divorce petition filed by the husband on merits. The failure to mark documents is a technical issue; the Trial Court however could have considered the evidence/explanations given by the wife as a counter to the allegations levelled by the husband.

26. However, even *dehors* the evidence, the impugned order suffers from serious infirmities, foremost among which is the automatic assumption that the wife needs to be restrained from going anywhere near the husband on account of behavioural and psychological issues. In effect, the wife has been convicted of the offence and declared guilty even without trial.

27. The above reasons persuade us to allow the Appeal and set aside the impugned order dated 08.09.2025. The impugned order is unilateral, unreasonable and unreasoned.

28. CMA No.494 of 2025, along with all connected applications, is accordingly allowed and disposed of. Interim orders, if any, shall stand vacated.

MOUSHUMI BHATTACHARYA, J

GADI PRAVEEN KUMAR, J

DATE: 24.04.2026
TJMR/NDS

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