



Mat.A No.54 of 2014

1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE J. NISHA BANU

&

THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN

WEDNESDAY, THE 22ND DAY OF JULY 2026 / 31ST ASHADHA, 1948

MAT.APPEAL NO. 54 OF 2014

AGAINST THE ORDER/JUDGMENT DATED 29.11.2013 IN OP
NO.169 OF 2012 OF FAMILY COURT, NEDUMANGAD

APPELLANT:

BY ADV SHRI.JOHN MATHEW

RESPONDENT:

BY ADV SRI.T.A.UNNIKRISHNAN

THIS MATRIMONIAL APPEAL HAVING COME UP FOR ADMISSION ON
22.07.2026, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



Mat.A No.54 of 2014

2

JUDGMENT

J.Nisha Banu, J.

The respondent/wife in O.P. No. 169/2012 on the file of the Family Court, Nedumangad, is the appellant herein. The petitioner/husband in the said original petition is the respondent herein. This appeal is filed challenging the judgment dated 29.11.2013 in O.P. No. 169/2012 passed by the Family Court, Nedumangad, granting a decree of divorce to the petitioner/husband and dismissing the counter-claim filed by the respondent/wife for restitution of conjugal rights.

2. The petitioner/husband had filed the above original petition under Sec.27 of the Special Marriage Act seeking for dissolution of marriage.

3. The case of the petitioner/husband, in brief, in the original petition is that, he belongs to Hindu community and he is a post-graduate in Philosophy and has diploma in psychological counselling, journalism,



Mat.A No.54 of 2014

3

public relation and advertising etc. At the time of working at the Government Secretariat, Thiruvananthapuram as Section Officer, he met the respondent/wife, who was working as Typist in Government Secretariat. They fell in love and it ended up in marriage. Before the marriage, they agreed to respect each others religion and faith. The respondent/wife belongs to a Christian family and is a Jacobite. Though the respondent/wife had no fascination for gold ornaments, petitioner/husband purchased 25 sovereigns of gold ornaments for her which are still kept by her. With the consent of the relatives and parents of the petitioner/husband and the respondent/wife, marriage was conducted on 24.07.1991 under the provisions of the Special Marriage Act at the Principal Registrar's office Thiruvananthapuram. They started their life at the parental home of the petitioner/husband on 22.08.1991. There was a reception at Kumarakovil at



Mat.A No.54 of 2014

4

Kanyakumari District at parental home of the petitioner/husband. Slowly the respondent/wife began to exhibit maladjusted behaviour and deviation from her original thought of secular life. The petitioner/husband tried to adjust with her irrespective of personal inconvenience caused to him. The respondent/wife used to exhibit unreasonable aggression and anger for no reason and used to shout without any provocation. For fear of mental break down, the respondent/wife was treated with utmost consideration and care. Slowly she started to show more interest in her religion and neglected the petitioner/husband and her duties as a wife. She never showed any interest in satisfying the emotional needs of the husband. The respondent/wife delivered a child but did not show any interest in the proper upbringing of the child. She was even reluctant to breastfeed the child. The petitioner/husband never demanded anything from the respondent/wife and not



Mat.A No.54 of 2014

5

even financial assistance for running the family. There was no demand for dowry or for her share in property in connection with the marriage. The petitioner/husband was in cordial relationship with her family members including her parents and supported them in all needy situations. But the petitioner/husband had to endure perpetual harassment from the side of the respondent/wife including verbal abuse of his parents especially his mother for the last 18 years. The respondent/wife alleged that the petitioner/husband as a voyeur, which is a baseless allegation. The respondent/wife forcefully alienated the petitioner/ husband from his friends and relatives using pressure tactics and began to criticize the petitioner/husband and ridicule him even in front of strangers without any reason. The respondent/wife always made false allegations against the petitioner/husband and his mother and went to the extent of alleging that the petitioner/husband



Mat.A No.54 of 2014

6

had sexual intercourse with his 75 year old mother.

4. The respondent/wife entered appearance and filed written statement along with a counter for restitution of conjugal rights, inter alia, refuting the allegations in the original petition. She contended that they fell in love and got married. Even before the marriage, she was having a job of Typist at Government Secretariat and she was having 10 sovereigns of gold ornaments with her. Those gold ornaments were misappropriated by the mother of the petitioner/husband at the time of 'thread tying' ceremony of the child. The petitioner/husband never gave any gold ornaments to the respondent/wife. The avement that the gold ornaments were given to the respondent/wife is made for illegal gain. She belongs to an Orthodox family. She, her family members and relatives were leading a life of love and affection. As the marriage was not informed to the parents of the respondent/wife, reception was conducted



Mat.A No.54 of 2014

7

at Kumarakovil, Kanyakumari District. The petitioner/husband had promised to look after throughout the life and so she gave her consent for the marriage. The respondent/wife gave birth to a child on 22.02.1993. When the petitioner/husband went abroad for job from 1994, for one year she took leave and looked after the child. For the last 18 years, the mother of the petitioner/husband is harrassing the respondent/wife and in order to safeguard the foundation of a good family, she has suffered all harassments. The statement in the petition that the respondent/wife alleged sexual relationship between the petitioner/husband and the mother is a false and the respondent/wife had never made any such statement. The petitioner/husband had filed the original petition due to the instigation of his mother. Despite the ill-treatment to which she was subjected to, she still loves the petitioner/husband and his mother. The respondent/wife was very interested in



Mat.A No.54 of 2014

8

the marital relationship. In the said circumstances, the petitioner/husband was not entitled for a decree of divorce.

5. The petitioner/husband and a witness were examined as PW1 and PW2 and marked Exts.A1 to A10. On the side of the respondent/wife, CPW1 and CPW2 were examined and Exts.B1 to B5 were marked through them.

6. The Family Court, after evaluating the pleadings and materials on record, by the impugned judgment allowed the original petition by passing a decree of divorce dissolving the marriage between the petitioner and the respondent. The counter claim of the respondent/wife for restitution of conjugal rights was also dismissed by the Family Court.

7. Aggrieved by the said impugned judgment, the respondent preferred this appeal.

8. We have heard the learned counsel



Mat.A No.54 of 2014

9

appearing for the appellant and the learned counsel appearing for the respondent.

9. The sole question that emanates for consideration is whether the impugned judgment passed by the Family Court is correct or not.

10. Though several attempts were made for a rapprochement through mediation, the same failed. When the case was posted on 23.06.2026, both the appellant/wife and the respondent/husband were present as directed by this Court on 15.06.2026. The parties were directed to appear before the Family Counselling Centre, attached to KeLSA on the same day itself for attending counselling. The report on psychological assessment dated 07.07.2026 was placed before this Court. In the said report, it is stated that since 2013, even after the decree of divorce, the appellant and the respondent have continued to live in the same house, though not as husband and wife. The



Mat.A No.54 of 2014

10

respondent/husband explained that they share the home because the appellant/wife has no ties to other relatives and their son lives abroad; even their long standing acquaintance, he saw no issues in sharing the residence and he also stated that he has no objection in his wife residing in his house till his death. The respondent/husband remains firm in his stand; while they can share a home based on mutual affection, he cannot grant her legal or emotional status of a wife. The respondent also noted that the weak emotional bond between the appellant and their son making it difficult for her to move to America. According to the psychological assessment, the appellant's insistence on restoring the married life with the respondent is likely a reaction of a profound isolation and the absence of family support.

11. On a re-appreciation of the pleadings and materials on record, we fully concur with the view taken



Mat.A No.54 of 2014

11

by the Family Court in allowing OP No169/2012. Merely by stating that the appellant was ready and willing to resume cohabitation with the respondent is not sufficient enough to dis-entitle the respondent from getting a decree for dissolution of marriage. We do not find any scope for interference with the impugned judgment and decree passed by the Family Court.

In the result, the appeal is dismissed confirming the judgment and decree in O.P No.169/2012 on the file of the Family Court, Nedumangad.

Sd/-J. NISHA BANU

JUDGE

Sd/-

SHOBA ANNAMMA EAPEN

JUDGE

ma/17.07.2026