BEFORE THE PRINCIPAL JUDGE FAMILY COURT AT CHENNAI

F.C.O.P. No. of 2024

I. Kathiravan,

Son of Mr. Ilango,

No. 4/25, Bharathy Nagar,

North Usman Road,

T-Nagar, Chennai-600017 …Petitioner

-Vs-

K. Sugumari

Wife of Kathiravan,

Daughter of Durai Raj

No.2/91, F1, 1st Floor,

Nagaparvatha Nivas, Thiruvalluvar Street,

Santhosapuram, Vengaivasal,

Tambaram - 600073 …Respondent

PETITION FILED UNDER SECTION 13 (1) (i-a) (i-b) & (iii) OF THE HINDU MARRIAGE ACT 1955 R/W. SECTION 7 OF THE FAMILY COURTS ACT, 1984

The Petitioner respectfully states the follows:

1. The Petitioner is I. Kathiravan, Son of Ilango, Hindu, aged about …. years, residing at # No. 4/25, Bharathy Nagar, North Usman Road, T-Nagar, Chennai – 600 017 which is his address for service of all the notices and processes of this Hon'ble Court.
2. The Respondent is K. Sugumari, wife of Kathiraven and daughter of Durai Raj, Hindu, aged about … years residing at # No.2/91, F1, 1ST Floor, Nagaparvatha Nivas, Thiruvalluvar Street, Santhosapuram, Vengaivasal, Tambaram – 600 073 which is her address for service of all the notices and processes of this Hon'ble Court.
3. The Petitioner states that their marriage was arranged one and solemnized on 15.11.2021 at Ayyavu Thirumana Mahal, Vadaseri Road, Pattukkottai-614601, as per the rituals, rites and customs of Hindus, under the Hindu Marriage Act 1955 and the same was registered on 10.12.2021 at Serial No. 332 of Registrar of Marriages, Sub- Registrar, Thiyagaraya Nagar at Chennai. The couple blessed with the minor child K. Udhayakumar.
4. The petitioner states that their family got the information of the Respondent through the Matrimonial Website and Senaiyar Kural Newspaper Advertisement. On 19.08.2021, he and his family members visited the respondent’s home for marriage proposal and to meet her and her relatives. Subsequently, both family members and relatives proceed with the marriage proposal and they fixed the Betrothal on 10.09.2021. During the Betrothal ceremony, petitioner noticed the unhappy and unsmiling face of the respondent, even for the photoshoot. When petitioner inquired about her demeanor to her parents, they deviated away with other topics hiding the real schizophrenic sate of their daughter from petitioner family. Her unhappy or depressed appearance exhibited even during marriage and after many requests she smiled for photoshoot.
5. The petitioner states that there was a 2-month gap in between the betrothal and date of marriage (10.09.2021 and 15.11.2021). So, the petitioner requested the respondent’s contact number from her father to know each other for a better understanding and develop a bonding. However, her father declined, citing her shy character. During those 2 months, her parents totally prevented the petitioner from having any communication with the respondent in the motive of hiding the abnormal behavior of Respondent. The petitioner was little concerned or confused about their conduct.
6. During marriage discussion, Respondent chitappa hinted or symbolized the state of Respondent by saying that the Respondent will soon become/arise problems after marriage and it is idle to have a known person from both sides to settle it down. This brings chaos to petitioner family that why her close relative during happy occasion saying such impactful statement. Later petitioner realized that her close relative chitappa knows her abnormal state too and had intentionally hide it from petitioner family.
7. On 15.11.2021, their marriage was solemnized in the presence of both the families and relatives. The petitioner’s family spent around Rs.10,00,000 as marriage expenses. On the Nuptial night, the petitioner expressed his desire to develop a bonding between the two, spend some more time to know each other and then start their marital bliss subsequently. However, the respondent disregarded his wishes and forcibly initiated the physical relationship without any sort of understanding. While the petitioner was subjected to brutal sexual cruelty and torture, which continued until her pregnancy. This kind of wild behaviors and activities of the Respondent were shocking, embarrassing and disgusting to the petitioner. She was not conversing anything with the petitioner instead she continued physical aggression & misconduct over him. The person or specifically the women having normal Mental Ability cannot behave like this. Her cruelty and torture include continued biting all over face, lips till bleeding even after expressing the pain and request to leave, having forceful intimacy even after fall of tiredness, beating & keep staring at my face with evil sight all over the night and slapping my face when I fall asleep. More things that cannot be detailed or condone the acts of cruelty committed by Respondent. That whole sleepless night is a disaster of my life.
8. The petitioner states that the respondent consistently displayed seriousness and never seems to smile or any visible sign of Amusement, even when watching comedy movies or shows, leading me to think that the Respondent may have potential mental disorder. Meanwhile, within 40 days of the Marriage, she has conceived and effectively ended the sexual cruelty. Additionally, the Respondent demonstrated inability to cook despite her mother taught cooking for many times, indicating potential memory or cognitive issues.
9. At the time of their marriage, he was in work-from-home facility, while the respondent unjustifiably suspected that the petitioner having improper interactions with the women colleagues, creating unnecessary tension, stress and conflict in their relationship and the petitioner states that he lost his sleep at every night due to the respondent’s unnecessary aggression and always fight with the petitioner without any reason. Petitioner was restricted to talk to women co-workers even during official work at home. Moreover, the Petitioner states that on one fateful Night, the respondent violently struck /hit his private part, when he has throbbed due to the grievous pain, she was sarcastically looking at him without any remorse. He had a sleepless night due to the pain. The respondent was showing such cruel behaviors which severely impacted the mental peace, mental and physical well-being of the petitioner.
10. In January 20222, both went to the respondent’s mother home to celebrate Pongal. Tragically, her mother suffered a severe head injury from a fall whereas the respondent displayed an alarming lack of empathy and refused to attend her mother.
11. Further, the petitioner states that he has planned for honeymoon to Andaman & made arrangements in advance. As the respondent became pregnant in short period, ~~despite~~ petitioner tried explaining all the potential risk of travelling long journey at the time of pregnancy but she was alleged, adamant, involved in conflicts & insisted to proceed with the trip. Her father insisted petitioner to always monitor & keep her insight as she goes missing without notice. Infact her father asked petitioner to take his parents along to monitor her and take care in case if she troubles. Petitioner confused with his statement as why such normal grownup girl needs such attention. Finally, they had a honeymoon travel from February 26, 2022 to March 5, 2022. Likewise, as her father informed Respondent often disappears & go somewhere when they stayed together. Respondent often found missing & petitioner after searching many places & so much of efforts, found her. Tragically Respondent continued her suspiciousness over petitioner with other couples in the trip. Throughout their stay, her unfounded suspicions and anger by hitting her head aside caused unrest and lose mental peace to Petitioner. She was so alleged, arrogant, exhibited anger, involved in conflicts without reason & refused to return to Chennai on the scheduled date and making suicidal threats when he tried to convince her.
12. The Petitioner has dreamed a lot about his future wife, he gave 100% love and faith to her, but he never did get any sort of love or affection back from the respondent. The sad reality is the respondent unable to take care or fulfill his daily requirements. The petitioner has to cook on his own if ever he wants to eat. The Petitioner further submits that he always feels very lonely and isolated even in her presence.
13. On 02.04.2022, they have planned to celebrate petitioner’s birthday, but the respondent did not show any interest and refused to go to temple and hotel with the petitioner. After long request, she agreed to come. In hotel the respondent left the petitioner and disappeared from the sight which made more trouble to search her. On 03.04.2024, petitioner discovered her mangalsutra missing from her neck and asked about it to her, while she claimed someone had removed it without her knowledge. There, she exhibited hallucinations, indicating a disconnection from reality.
14. The petitioner submits that the respondent started behaving oddly in family functions and gradually refused to attend such functions. Even if, she was to attend, she never interacted with any one and used to insist that she has to leave the place immediately. The petitioner further submits that sometimes on her own she would cry, scream, exhibit anger by throwing things, harming herself by hitting her forehead on the wall and weep at a high pitch for no reason. Some days she will keep laughing aloud or talk to herself or to some imaginary persons. The petitioner was confused initially but later realized that these were the effects of her imaginations and hallucinations. The petitioner realized that he could not help her except being a mute and helpless observer. Invariably most of the evenings her crying and weeping will start and soon, it became a daily occurrence. The respondent always cries and fights for no reasons at all making the petitioner lose peace of mind.
15. The petitioner states that the respondent wake up in the midnight and sit in the bed staring at the roof. At times, she speaks something imagining someone is there. She often locks herself inside the bedroom without reason, refused to open doors & refused to take food and water for a long time. Sometimes it happened for days. Petitioner scared and afraid of Respondent that she can commit something dangerous to life anytime as she continued self-harming each day. Out of fear & agony, petitioner conveyed the information to respondent father. Her father mentioned that they just dismantled all the inner locks of doors in their home leaving only the outer locks as it is by which she can’t lock herself from inside & you can lock her outside if she makes any trouble. He advised us to follow the same idea as they follow in their home. The petitioner was terrified with the respondent’s shocking behavior which startled him.
16. The petitioner states that since the beginning respondent family hide the fact from petitioner’s family about her serious psychosomatic illness, sufferings from derailing delusions & extreme hallucinations which are the prominent symptoms of Schizophrenia - a psychotic disorder and without informing the truth - Respondent family executed the marriage. At that time of serious continued abnormal activity on 02.04.2022 & 03.04.2022, it was revealed by the respondent’s father that she was suffering mental disorder. Respondent father promised the petitioner that they will give her proper psychotic treatment and get her cured. With continued abnormality Respondent father took the respondent to her parental home for treatment of mental disorder on 03.04.2022. Since then, she has been continuously taking treatment for mental disorder and not returned to marital home.
17. On 19.08.2022, respondent delivered baby boy. Respondent appeared to be hesitating. She often neglected newborn and refused to feed milk. No mother in right mind would refuse to feed the milk, while the child crying when it is hungry, but she usually does this and the Respondent usually has lost touch with reality.
18. On 14.03.2023, both families went to Guruvayur Krishnan temple to pray for betterment of Respondent mental health. During the trip she had never cared the child, showed no love & affection towards child. On 17.03.2023 while returning from temple she went somewhere from us without notice & found missing. After long search we found near a shop, which are all clearly shows her disorganized thinking and loss of concentration and memory. Furthermore, she does not have the capability to understand the realities and responsibilities and her unpredictable emotional responses, topsy-turvy and irrelevant speeches and suicidal thoughts due to schizophrenia which are the challenges to the petitioner and lead the life miserably with difficulties.
19. On 19.08.2024, the petitioner’s family planned to celebrate their child’s second Birthday. Regrettably, the respondent showed no interest or involvement in the celebration.
20. The Respondent on several occasion informed the petitioner that she hears some noise & third person voice from inside her mind which controls her & commands her to do and act based on the instruction it gives. Petitioner is under fear and afraid that the respondent can harm herself or others based on the instruction /voice comes inside her.
21. To address the Respondent’s mental health, both the families approached Medical professionals from various hospitals including Global hospital, Buddhi-Brain Disorder Treatment Clinic, Nirnay clinic, Malar maruthuvam, Salem Gokulam Hospital where doctors diagnosed her with paranoid schizophrenia & prescribed sufficient Anti-psychotic medicines. At last Doctors even provided 6 sittings of current shock treatment too as the medicines does not improve her condition but keep her in sedative state. But, her mental illness has not recovered after all these treatments. She still has the feeling of strange voice coming inside her & continue showing abnormality. During the trip to Salem Hospital, they would leave the child with the mothers-in-law’s care as the respondent is incapable of handling the tender child. Despite the petitioner’s requests, the respondent showed no affection or concern towards the child’s well-being, refused to call her mother to inquire about child status whether he drink milk /taken food/sleep/crying… when they travelled to hospital. But she does not even care about petitioner words and exhibited lack of interest in the child’s welfare is alarming and demonstrates her detachment from reality.
22. The petitioner states that the respondent has affected with the serious psychosomatic illness, suffering from delusions and extreme hallucinations which are the prominent symptoms of Schizophrenia - a psychotic disorder. For past few years the Respondent has been undergoing treatment and currently taking medicines prescribed by the certified doctors such as:

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| --- | --- | --- |
| S.NO | MEDICINE | USES |
| 1 | Reschizo 4mg | **Antipsychotic drug** prescribed to treat **schizophrenia** and **bipolar disorder**. It helps restore dopamine and serotonin in the brain to improve mood, and behaviour. It is used alone or combination with other medicines to treat mania or mixed episodes (mania and depression) in adults and children above 10 years with bipolar disorder. |
| 2 | Gamiride 100mg | This Tablet is used in the treatment of **schizophrenia**, a mental disorder that can result in hallucinations or delusions and also adversely affects a person’s ability to think and behave. This Tablet helps restore the chemical imbalances in the brain that are responsible for such changes. It temporarily improves thoughts, behaviour and enhances the quality of life. |
| 3 | Ecitane | ECITANE TABLET is used to improve muscle control in patients with Parkinson's disease. It can also be used to control abnormal involuntary muscle movements (such as extreme restlessness or muscle spasms) in the body that is caused due to the use of certain medicines. |
| 4 | clonazepam | Clonazepam is a benzodiazepine drug used for the acute treatment of panic disorder, epilepsy, and nonconvulsive status epilepticus. The drug also has many off-label indications, including restless leg syndrome, acute mania, insomnia, and tardive dyskinesia. |
| 5 | Flutop | Flutop 10mg Capsule is a type of antidepressant belonging to the selective serotonin reuptake inhibitor (SSRI) group of medicines. It is widely prescribed to treat depression and other mental health conditions like panic disorder and obsessive-compulsive disorder. Flutop 10mg Capsule helps many people to recover from depression by improving their mood and relieving anxiety and tension. |
| 6 | Anticlav | Anticlav-625 Tablet is used to treat bacterial infections in the body that affect the skin, soft tissues, lungs, ears, urinary tract, and nasal sinuses |
| 7 | Gantop | Gantop-DSR Capsule is a widely used medicine to treat gastroesophageal reflux disease (GERD). |
| 8 | Oleanz | Oleanz Tablet is used in the treatment of **schizophrenia** (a mental disorder that can result in hallucinations or delusions and also adversely affects a person’s ability to think and behave) and mania. |

1. With all above anti-psychotic medicines, Respondent parents keep her in sedative/sleeping state all through out the day. If she stops taking the medicines, she started showing abnormal behaviours, adamancy, anger towards others within 1 or 2 days. Her parents taking care of providing medicines on time every day. Even her parents cannot control her sometimes as she was not attentive & they give extra medicine dosage during that time to supress & make her sleep forcibly.
2. The petitioner states that his minor son showing the utmost love and affection towards the respondent with hugs and kisses, but the respondent in turn failed to show any love and interest, even did not smile or respond to the child gestures instead only displayed a concerning lack of emotional connection.
3. The petitioner states that the respondent intentionally separated the petitioner from his son, taking him to her parental home. Whenever the respondent underwent treatment, her father would drop the child in the petitioner’s house, the child has a strong bond with the petitioner’s family. Later, the petitioner admitted his son in Millennium Kids School, T.Nagar, Chennai on 12th October 2024. However, the petitioner’s father-in-law forcibly removed the child from his home. When the petitioner’s family enquired about this, he said that he will send his daughter along with the child. Due to the severe and serious condition of schizophrenia, the petitioner could not resume the marital life. The petitioner states that they are living separately from 03.04.2022 and there is no physical intimacy and emotional connection with her for the last 3 years. The petitioner and his family members informed the respondent’s father that for the welfare of the respondent, they can get separated by way of mutual consent and have permanent custody of the minor child with him. The Petitioner conveys that he wants to live his remaining life peacefully with his son & his welfare, he does not want the respondent to ruin it. Whereas the respondent’s father refused to have a mutual divorce.
4. The petitioner states that the respondent was continuously living in her own imaginative world and lost sense of all awareness of her surroundings. Finally, the petitioner came to realize that his marriage itself was a big strain on her mind and that ending the marital life would be the best path for both the petitioner and the respondent and both the family members. Petitioner doesn’t wish to live in fear all time and not to take the risk of living together with respondent for her abnormal activities such as suicidal thoughts, etc. out of hallucinations due to schizophrenia. Petitioner also feels it as risk for his own life by living together.
5. The petitioner states that despite adhering to the prescribed medication of psychiatrist from several hospitals, the respondent’s mental health condition has not shown any significant improvement. Contrary to the expectations, her symptoms have worsened. Hence, the Petitioner's marriage with the respondent is liable to be dissolved on the ground of mental illness -schizophrenia.
6. Due to all these happenings, the petitioner also gradually went into depression, and he is not able to concentrate on his work with full efficiency and lost his peace of mind.  The petitioner panicked & afraid to lead a life with her. The petitioner submits that he was immensely disappointed, broken ever since the day of the marriage due to the strange behaviors of the respondent. Hence, the Petitioner's marriage with the Respondent is liable to be dissolved on the ground of cruelty caused to the Petitioner.  It is submitted that the marriage is liable to be dissolved on the ground of cruelty, especially the mental torture inflicted by the Respondent upon the Petitioner. The Petitioner is not able to condone the acts of cruelty committed by the Respondent.  Hence, the marriage is liable to be dissolved as the Respondent is guilty of causing cruelty.
7. The petitioner states that there is no conjugal and physical relationship with the Respondent for the last 3 years.  Hence, the Petitioner's marriage with the Respondent is liable to be dissolved on the ground of cruelty, desertion and incurable mental illness schizophrenia.
8. It is respectfully stated that the marriage between the Petitioner and the Respondent has already been irretrievably broken down and it is just and necessary that the same may be dissolved and that there is no collusion between the Petitioner and the Respondent in filing the above petition before this Hon'ble Court for the dissolution of the marriage. The Petitioner is not filing this petition under any coercion, duress or undue influence.
9. CAUSE OF ACTION:

The cause of action for this petition arose at Ayyavu Thirumana Mahal, Vadaseri Road, Pattukkottai-614601. where the marriage took place on 15.11.2021 is well within the jurisdiction of this Hon’ble court, and on various dates when the Respondent subjected the Petitioner to the acts of cruelty and on 03.04.2022, Respondent went to her parental home. Since she has been continuously taking treatment for mental disorder and not returned to marital home. The petitioner is not having any physical intimacy with the respondent for the last 3 years and all subsequent dates and events.

1. JURISDICTION:

The Petitioner state that both of them are lastly resided at No.4/25, Bharathy Nagar, North Usman Road, T-Nagar, Chennai-600017, which is well within the Jurisdiction of the Hon’ble Court as per Section 19(iii) of the Hindu Marriage Act,1955.

1. COURT FEE:

The Petitioner pays the Court fees of Rs. under Schedule II Article 10 and (iii) of the Tamil Nadu Court Fees and Suits Valuation Act 1955.

1. RELIEF SOUGHT FOR:

The Petitioner therefore respectfully prays that this Hon'ble Court may be pleased to pass the Judgement and Decree.

* 1. Granting decree of divorce by dissolving the marriage of the Petitioner with the Respondent which took place on 15.11.2021 at Ayyavu Thirumana Mahal, Vadaseri Road, Pattukkottai- 614601 on the ground of cruelty, desertion and incurable mental illness schizophrenia;
  2. Granting such further or other relief or reliefs as this Hon'ble Court may deem fit and necessary in the circumstances of the case.

Dated at Chennai on this the … day of November 2024.

PETITIONER

VERIFICATION

I, I.Kathiravan, Son of Ilango , the Petitioner above named do hereby declare that whatever stated in paragraphs 1 to 30 are true and correct to the best of my knowledge, belief and information and I verified and signed my name.

Verified at Chennai on this the 16th day of November 2024.

                                              PETITIONER

LIST OF DOCUMENTS FILED UNDER VII RULE 14(I) OF C.P.C

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  SL.No.      Date       Particulars          Nature of Documents \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Invitation of Marriage

2. Marriage Registration Certificate

      3.    Petitioner and Respondent

                  Photograph

1. Medical Report
2. Petitioner’s Adhar Card
3. Birth Certificate of Child

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         Dated at Chennai on this the 16th day of November 2024.

                                                                                      PETITIONER

LIST OF DOCUMENTS FILED UNDER ORDER VII RULE 14 (II) OF C.P.C.

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  Sl. No.    Date                       Particulars                  Nature of Document

Nil at present will be filed later    
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                                                                                         PETITIONER

STATEMENT OF ADDRESS FURNISHED BY THE PETITONER UNDER ORDER VI RULE 14 (A) OF C.P.C

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1.  PETITIONER      : I. Kathiravan,

Son of Ilango,

No. 4/25, Bharathy Nagar,

North Usman Road,

T-Nagar, Chennai-600017

2.  RESPONDENT:K. Sugumari

Wife of Kathiravan,

Daughter of Durai Raj

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 Dated at Chennai on this the 16th day of November 2024.

PETITIONER

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I, I. Kathiravan, Son of Ilango, the Petitioner above named do hereby declare that whatever stated above are true and correct to the best of my knowledge, belief and information and I verified and signed my name.

Verified at Chennai on this the 16th day of November 2024.

PETITIONER

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PETITION FILED UNDER SECTION 13 (1) (i-a) (i-b)& (iii) OF THE HINDU MARRIAGE ACT 1955 R/W. SECTION 7 OF THE FAMILY COURTS ACT, 1984 

I.Kathiravan

Petitioner-in-Person