

2003 PLRonline 0009

MADRAS HIGH COURT

P. SATHASIVAM AND A.K. RAJAN, JJ.

S. Indrakumari v. S. Subbaiah

V.C.M.P. No.17356 of 2002

10th January, 2003

Hindu Marriage Act, 1955, S.13(1)(ia) - Cruelty - Denial of sexual relationship - Wilful denial of sexual relationship by one spouse, when the other spouse is anxious, amounts to cruelty - Decree of divorce confirmed. *Held*, refusal to have sexual intercourse amounts to cruelty on the other party. A normal and healthy sexual relationship is one of the basic ingredients of a happy and harmonious marriage. No doubt, if this is not possible due to ill-health on the part of one of the spouses, it may not amount to cruelty, depending on the circumstances of the case. But wilful denial of sexual relationship by a spouse, when the other spouse is anxious for it, would amount to mental cruelty, especially when the parties are young and newly married [Para 27]

Cases Cited:

1. *R. Balasubramanian V. Vijayalakshmi Balasubramanian*, II (1999) DMC 396 (SC) : VII (1999) SLT 19 : AIR 1999 SC 3070 [Para 20]
2. *Vira Reddi V. Kistamma*, AIR 1969 Mad. 235. [Para 20]
3. *K. Narayanan V. Sreedevi*, I (1989), AIR 1990 Ker. 151 [Para 20]
4. *V. Bhagat V. Mrs. D. Bhagat*, AIR 1994 SC 710 [Para 20]
5. *Tamizh Selvi V. Arumugam*, 1990 TLNJ 237 [Para 20]
6. *Parveen Mehta V. Inderjit Mehta*, IV (2002) SLT 381 : 2002(5) SCC 706 [Para 22]
7. *Srikant V. Anuradha*, AIR 1980 Kar. 8 [Para 24]
8. *Anil Bhardwaj V. Smt. Nirmlesh Bhardwaj*, AIR 1987 Del. 111 [Para 25]
9. *Radheshyam Sharma V. Kusum Sharma*, I (1990) DMC 290 [Para 26]

Petitioner Counsel: Mr. K. DORAISAMI, Sr. Adv. for Mr. K. N. NATARAJ

Respondent Counsel: Mr. T. R. RAJAGOPALAN, Sr. Adv. for Mr. N. DAMODARAN

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