

HINDU MARRIAGE ACT, 1955- SECTION 13(1) (IA)
CURRENTLY –ALLEGATIONS LEVELLED AGAINST WIFE
NOT PROVIDED

158 (2009) DELHI LAW TIME 136

DELHI HIGH COURT

V.B. Gupta, J.

Vimla Mehra-

Appellant

Versus

K.S. Meara-

Respondent

Mat App. No/2007 and CM No. 814 of 2008- Decided on 14.11.2008

- (i) Hindu Marriage Act, 1955- Section 13(1) (ia) – Currently – Allegations levelled against wife not provided- Respondent has not examined either of his sons to prove this fact that appellant would pick up a fight with him and humiliate, insult and abuse him in front of children –as far as humiliation, insult and abuse in front of relatives of respondents is concerned, no specific date, time of any such incident given either by respondent or PW 4- Further, appellant readily and willingly provided all possible assistance for making all necessary arrangements required for receiving dead body of respondent’s brother to their residence – appellant never ill-treated children of deceased brother of respondent – appellant never humiliateted, ill-treated either respondent or his father , when respondent’s father was staying with parties – Mere fact that appellant did not oppose transfer or did not make any written representation for transfer to Bangalore, does not show that appellant has managed her transfer to Bangalore- Master bed room was never under lock and key of appellant and it was being used by other family members also in absence of appellant when she has been transferred to Bangalore - allegation of making complaint to superior of respondent not proved – however, marriage between parties performed in 1978 – since 1998 there had been no cohabitation between parties – there is complete loss of trust

and faith between parties and no love between parties – since marriage between parties has broken down and there is no chance of it being retrieved, continuance of such marriage would amount to cruelty – respondent entitled to decree of divorce under section 13 (1)(a) of act.

[Paras 75 to 78, 105, 137, 151 to 153, 162, 188, 197, 205]

- (ii) Words and Phrases – “Cruelty”, “Mental Cruelty” – Meaning – Discussed. [Paras 53, 54, 56, 57]
- (iii) Evidence – any evidence which is led beyond pleadings cannot be looked into. [Para 79]
- (i) Matrimonial law – cruelty, mental cruelty – concept of cruelty differs from person to person depending upon his upbringing, level of sensitivity, educational family and cultural background, financial position, social status, customs, traditions, religious beliefs, human values and their value system – apart from this, the concept of mental cruelty cannot remain static – there can never be any strait-jacket formula or fixed parameters for determining mental cruelty in matrimonial matters. [Para 66]

Result: *Appeal dismissed.*