



2026 INSC 346

REPORTABLE

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. _____ OF 2026
@ SPECIAL LEAVE PETITION (CIVIL) NO. 20325 OF 2024

MAMTA DEVI

...APPELLANT

VERSUS

SANJAY KUMAR

...RESPONDENT

J U D G M E N T

VIKRAM NATH, J.

1. Leave granted.
2. The appellant is aggrieved by the judgment and order of the High Court of Jharkhand dated 04.10.2023 passed in F.A. No. 9/2023 whereby the High Court dismissed the appeal preferred by the appellant-wife¹ and affirmed the judgment passed by the Family Court granting divorce to the respondent-husband.²
3. The relevant facts giving rise to the present appeal are as follows:

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Reason:

¹ Hereinafter referred to as 'appellant'.

² Hereinafter referred to as 'respondent'.

- 3.1. The appellant and respondent got married on 24.02.2002 at Bokaro, Jharkhand in accordance with Hindu rites and customs. Two children, a son and a daughter, were born out of the wedlock in 2003 and 2005 respectively.
- 3.2. After marriage, the parties resided in the matrimonial home along with the parents of the respondents, at Bokaro.
- 3.3. According to the appellant, disputes arose between the parties and she was subjected to cruelty, including harassment on account of dowry demands. She stated that around the year 2007, the parties began residing separately from the joint family along with the children. The appellant further alleged that the respondent got her examined by a psychiatrist with the intention of portraying her as mentally unstable. She also contended that she was ultimately driven out of the matrimonial home by the respondent and his family members.
- 3.4. On the other hand, the respondent alleged that the appellant persistently insisted on living separately from the joint family and that even after the parties shifted to a separate residence, there was no improvement in her conduct. He further alleged that the appellant used abusive language towards

- his parents on several occasions and was also involved in disputes with the landlord. The respondent asserted that he had been subjected to continuous mental and physical harassment over the years and that the matrimonial relationship between the parties had irretrievably broken down.
- 3.5. Several complaints were filed by the parties against each other.
 - 3.6. The respondent filed O.S. (DP) 486/2018 seeking divorce under sections 13(1)(ia) and 13(1)(ib) of the Hindu Marriage Act, 1955.
 - 3.7. By order dated 23.11.2022, the Family Court, Bokaro allowed the divorce petition and granted a decree of divorce in favour of the respondent.
 - 3.8. Aggrieved thereby, the appellant preferred First Appeal No. 9 of 2023 before the High Court of Jharkhand at Ranchi.
 - 3.9. The High Court, by the impugned judgment and order dated 04.10.2023, dismissed the appeal and affirmed the decree of divorce granted by the Family Court.
 - 3.10. Aggrieved by the dismissal of the appeal, the appellant has preferred the present appeal.
4. We have heard learned counsel for the parties and have examined the material placed on record.

5. The Family Court upon appreciation of oral and documentary evidence led by the parties, recorded a finding that the respondent had established cruelty and desertion within the meaning of Sections 13(1) (ia) and 13(1) (ib) of the Hindu Marriage Act, 1956. The Court noted that the appellant used to quarrel with the respondent on trivial issues, resulting in persistent matrimonial discord. The Court further took note of complaints made regarding the conduct of the appellant towards the respondent as well as the children. It also noted that the matter was examined by the District Welfare Committee, which, upon consideration of the allegations, directed that the children reside with their paternal grandfather. The Family Court also noted that despite the parties living separately, the appellant had neither instituted proceedings for restitution of conjugal rights nor taken steps for custody of the children. On consideration of the aforesaid circumstances, the Family Court concluded that the conduct of the appellant amounted to cruelty and that the respondent had also succeeded in establishing desertion.
6. The High Court in appeal referred to the aforesaid evidence and affirmed the findings recorded by the Family Court. The Court referred to the undertaking furnished by the appellant pursuant to a complaint

dated 03.02.2017 made by her mother-in-law alleging torture and harassment, wherein the appellant had stated that she would maintain cordial relations with her husband and parents-in-law and would not give any cause for complaint in future. The High Court observed that these facts were not denied by the appellant and treated the same as indicative of her conduct. The High Court further relied upon the testimony of the son of the parties, who supported the allegations of cruelty and expressed unwillingness to reside with the appellant. The Court also noticed the appellant's statement that she did not want the children to stay with her. Taking into account the aforesaid circumstances, the High Court concluded that the conduct attributed to the appellant constituted cruelty towards the respondent and that she had withdrawn from his society without reasonable cause, thereby affirming the decree of divorce.

7. Having gone through the record, we are of the opinion that the findings recorded by Courts below are findings of fact based on appreciation of evidence. No perversity has been demonstrated so as to warrant the interference of this Court.
8. It is relevant to note that the marriage between the parties was solemnized in the year 2002 and the

parties have admittedly been living separately since 2018. The prolonged separation indicates that the matrimonial bond has broken down beyond repair and there is no possibility of resuming cohabitation.

9. The High Court has also taken into consideration the material indicating strained relations between the appellant and the children. These circumstances were cumulatively relied upon by the courts below to conclude that the conduct attributed to the appellant amounted to cruelty and that she had withdrawn from the society of the respondent without reasonable cause.
10. The findings so recorded are findings of fact based on appreciation of evidence. In the aforesaid circumstances, we are not inclined to take a view different from that taken by the High Court.
11. However, insofar as the issue of financial support to the appellant is concerned, it has been urged before us that the amount awarded requires reconsideration. Family Court at the time of granting divorce, directed the respondent to pay appellant a lump sum of Rs.6,00,000/- as maintenance. Having regard to the nature of the relief granted and the need to ensure continued financial support to the appellant, and considering the overall facts and circumstances of the case, we deem it appropriate in the interest of

complete justice to direct the respondent to pay a sum of Rs.10,000/- per month to the appellant towards maintenance, payable from the date of this order.

12. Accordingly, the appeal is disposed of.
13. Pending application(s), if any, shall be disposed of.

.....**J.**
[VIKRAM NATH]

.....**J.**
[SANDEEP MEHTA]

NEW DELHI
APRIL 10, 2026