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# Divorce



# Divorce

## 1. XXX v. YYY, 2026 SCC OnLine SC 544 Court

**Court:** Supreme Court of India

**Coram:** Vikram Nath and Sandeep Mehta, JJ.

**Date:** 7 April 2026

✦ **Relevance:** This case is a remarkable example of the Supreme Court using Article 142 of the Constitution to bring an end to one of the most fiercely contested matrimonial disputes in recent memory. It clarifies that where a lawyer-spouse weaponises the judicial system to file vexatious litigations, the Court can dissolve the marriage outright, grant comprehensive relief, and permanently restrain further abuse of process.

### Facts:

The wife filed an appeal before the Supreme Court challenging a Bombay High Court order that had dismissed her petition seeking speedy disposal of execution proceedings for recovery of maintenance arrears. The backdrop to this appeal was a deeply acrimonious matrimonial dispute that had spawned over 80 litigations filed across various courts and forums by the husband, who was himself a practicing lawyer. These proceedings were initiated not just against the wife, but also against her relatives and her legal counsel. The husband had used his knowledge of law as a weapon rather than a shield, flooding courts with complaints and petitions to harass and financially drain the other side. During the pendency of the proceedings before the Supreme Court, the husband also filed a writ petition under Article 32 of the

Constitution alleging violation of his fundamental rights. Partial maintenance payments had been made, but substantial arrears remained unpaid. The Court stayed multiple proceedings across forums and directed the husband to disclose his financial status.

**Issues:**

The Court framed the following issue:

1. Whether the Supreme Court can dissolve a marriage and quash all pending litigation in exercise of its powers under Article 142 of the Constitution, where a party has systematically abused the legal process?

**Ratio Decidendi:**

1. The Court held that the prolonged weaponisation of judicial process by the husband amounted to an egregious abuse. It noted that the marriage had irretrievably broken down and there was no possibility of reconciliation. Invoking Article 142, the Court dissolved the marriage on the ground of irretrievable breakdown, awarded custody of both children to the wife with structured visitation rights for the father, and granted a consolidated sum of Rs. 5 crores towards permanent alimony, maintenance, child support, and litigation expenses, payable within one year. The Article 32 petition filed by the husband was dismissed with costs of Rs. 5 lakhs as frivolous and malicious. The Court further permanently restrained the husband from initiating any further litigation against the wife, her family members, or her advocates.

**Conclusion:**

The Supreme Court allowed the appeal, dissolved the marriage, and quashed all 80+ pending and ongoing litigations arising out of the matrimonial dispute. The judgment stands as a strong warning against the misuse of legal machinery as an instrument of matrimonial harassment.

## 2. Dhananjay Rathi v. Ruchika Rathi, 2026 SCC OnLine SC 587

**Court:** Supreme Court of India

**Coram:** Rajesh Bindal and Vijay Bishnoi, JJ.

**Date:** 13 April 2026

✦ **Relevance:** This judgment addresses a nuanced yet practically significant question: can a party withdraw consent from a mutual divorce after a comprehensive, court-authenticated mediated settlement has been signed and partially acted upon? The Court answers firmly in the negative and in doing so, reinforces the sanctity of mediation as an institution while using Article 142 to grant divorce.

### **Facts:**

The parties were married in February 2000 under Hindu rites and two children were born from the wedlock. Following years of marital discord, the husband filed for divorce in 2023 on grounds of adultery and cruelty. The matter was referred to the Delhi Mediation Centre where both parties arrived at a comprehensive Settlement Agreement in May 2024. Under the agreement, the husband was to pay Rs. 1.5 crores along with return of jewellery, in exchange for mutual consent divorce and withdrawal of all claims. The first motion for divorce under the Hindu Marriage Act was duly filed. However, before the second motion could be completed, the wife withdrew her consent and filed a fresh complaint under the Protection of Women from Domestic Violence Act, 2005. She alleged that the husband had made assurances beyond the Settlement Agreement regarding jewellery worth Rs. 120 crores and gold biscuits worth Rs. 50 crores. The husband denied these claims and

filed a quashing petition and contempt proceedings before the Delhi High Court. The High Court permitted the DV proceedings to continue while directing the wife to deposit Rs. 89 lakhs. Aggrieved, the husband approached the Supreme Court.

**Issues:**

The Court framed the following issue:

1. Whether a party can withdraw consent from a mutual consent divorce after entering into a court-authenticated mediated settlement and partially performing obligations under it?

**Ratio Decidendi:**

The Court held that while the general rule under Section 13B of the Hindu Marriage Act permits withdrawal of consent before the second motion, this right is not absolute. Where parties have signed a comprehensive settlement through court-mandated mediation and have begun acting on it, withdrawal of consent without valid grounds amounts to an abuse of process. Valid grounds for withdrawal would be limited to fraud, force, undue influence, or non-fulfilment of obligations by the other side. The wife's vague and unsubstantiated allegations regarding jewellery worth Rs. 120 crores, which found no mention in the Settlement Agreement or the WhatsApp messages on record, could not constitute a valid basis for withdrawal. The DV proceedings that followed were found to be an afterthought designed to prolong litigation. Noting the parties' prolonged separation, the majority of obligations having been fulfilled, and the irretrievable breakdown of the marital bond, the Court exercised its powers under Article 142 to dissolve the marriage.

**Conclusion:**

The Supreme Court allowed the appeal, quashed the DV complaint, dissolved the marriage, and directed the husband to pay the remaining settlement amount. All pending and future litigations between the parties were ordered to be closed.

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# MAINTENANCE



## Maintenance

### 3. Dr. Garima Dubey v. Dr. Saurabh Anand Dubey, 2026 SCC OnLine All 3354

**Court:** High Court of Allahabad

**Coram:** Atul Sreedharan and Vivek Saran, JJ.

**Date:** 21 April 2026

✦ **Relevance:** This case directly addresses the misuse of interim maintenance proceedings by a highly qualified spouse who has the professional capacity to earn but chooses not to, with the deliberate intent of burdening the other party. The Court holds that Section 24 of the Hindu Marriage Act is not a tool for extracting financial advantage by feigning helplessness.

#### Facts:

The appellant wife held an MD degree in gynaecology, making her a fully qualified and independently employable professional. She filed for interim maintenance under Section 24 of the Hindu Marriage Act, 1955, against her husband, who was also a medical professional. The trial court had partly rejected her application, finding that she was capable of sustaining herself. The wife appealed against this order, contending that she was not presently employed and had no income.

#### Issues:

The Court framed the following issue:

1. Whether a professionally qualified wife who deliberately refrains from practising her profession is entitled to interim maintenance under Section 24 of the Hindu Marriage Act?

**Ratio Decidendi:**

1. The Court held that Section 24 of the Hindu Marriage Act is intended to provide financial support to a spouse who genuinely lacks the means to maintain themselves during the pendency of matrimonial proceedings. It is not a provision designed to be exploited by a spouse who possesses professional qualifications, has the earning capacity, but strategically avoids employment to claim financial dependency. A woman holding an MD degree in gynaecology has a well-recognised profession and cannot reasonably claim helplessness. The Court reaffirmed that deliberate non-employment by a qualified wife, with the effect of placing the entire financial burden on the husband, is a legally recognised ground for denying maintenance.

**Conclusion:**

The Division Bench dismissed the appeal. The order of the trial court partly rejecting the application for maintenance was upheld.

#### 4. Rakesh Kumar v. State of U.P., 2026 SCC OnLine All 1482

**Court:** High Court of Allahabad

**Coram:** Madan Pal Singh, J.

**Date:** 4 February 2026

✦ **Relevance:** This ruling addresses a morally compelling but legally unsupported claim: that a daughter-in-law is obligated to maintain her parents-in-law. The Court distinguishes clearly between a moral obligation and a legally enforceable one, holding that no statutory provision casts such a duty on a daughter-in-law.

#### **Facts:**

The parents-in-law filed an application before the Principal Judge, Family Court, seeking maintenance from their daughter-in-law. The Family Court rejected the application. The parents-in-law challenged this rejection by way of a criminal revision before the High Court, arguing that the daughter-in-law had a moral and legal responsibility to support them.

#### **Issues:**

The Court framed the following issue:

1. Whether a daughter-in-law is liable to pay maintenance to her parents-in-law under existing law?

#### **Ratio Decidendi:**

The Court acknowledged the moral and social force of the argument, recognising that familial relationships do carry expectations of mutual support. However, the Court drew a firm line between moral obligation and legal obligation. A legal duty

to pay maintenance must be expressly created by a statutory provision. No such provision under the applicable laws casts a liability of maintenance upon a daughter-in-law towards her parents-in-law. The legislature has not chosen to impose this duty, and the Court declined to read one in where none exists.

**Conclusion:**

The revision was dismissed. The Family Court's rejection of the parents-in-law's maintenance application was upheld.

**5. N v. R, 2026 SCC OnLine MP 5790**

**Court:** High Court of Madhya Pradesh

**Coram:** Vivek Jain, J.

**Date:** 31 March 2026

📌 **Relevance:** This ruling reinforces the principle that maintenance is not a mechanism for financial equalisation between spouses where both parties are independently and adequately earning. The Court was blunt in characterising an attempt to claim maintenance where the wife earned over Rs. 1.25 lakhs per month as an effort to extract an unwarranted advantage.

**Facts:**

The wife challenged a Family Court order that had denied her interim maintenance under the applicable provision. The Family Court had denied her claim on the grounds that she had no dependent children and that there was no significant disparity in income between the spouses that would warrant maintenance. The admitted monthly income of the wife was approximately Rs. 1.66 lakhs, which, even after accounting for deductions she argued for, would still amount to Rs. 1.25 lakhs per month. She filed a petition before the High Court contending that the Family Court had erred in its assessment.

**Issues:**

The Court framed the following issue:

1. Whether a wife who earns a substantial and independent income is entitled to claim maintenance from her husband under personal law?

**Ratio Decidendi:**

The Court held that maintenance is designed to address genuine financial need and dependency, not to achieve a re-distribution of wealth between spouses who are both financially capable. In the present case, the wife's income of Rs. 1.25 to 1.66 lakhs per month was sufficient for her to maintain herself without any assistance. There were no children to maintain, and there was no compelling disparity in income that might justify a maintenance claim. The Court found no jurisdictional error or legal infirmity in the Family Court's reasoning and described the petition as what it plainly was: an attempt to extract an unwarranted benefit from the matrimonial dispute.

**Conclusion:**

The petition was dismissed. The Family Court's order denying maintenance to the wife was upheld.

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# GUARDIANSHIP



## Guardianship

### 6. Singavaram Nagamma v. State of A.P., 2026 SCC OnLine AP 914

**Court:** High Court of Andhra Pradesh

**Coram:** Venkateswarlu Nimmagadda, J.

**Date:** 6 April 2026

✦ **Relevance:** In the absence of any statutory framework for appointing a guardian for a person in a permanent vegetative state, the Andhra Pradesh High Court stepped in under its *parens patriae* jurisdiction and used the ancient philosophical concept of "Ardhangini" to recognise the wife as the most natural and suitable guardian for her comatose husband.

#### Facts:

The first petitioner, Singavaram Nagamma, aged 59, filed a writ petition under Article 226 of the Constitution. Her husband, Singavaram Subhan Singh, aged 65, had suffered a cerebrovascular accident and undergone a decompressive craniectomy. He was subsequently in a persistent vegetative state, requiring a tracheostomy for breathing and a Ryle's tube for feeding. His Glasgow Coma Scale score was E2VTM1, confirming the severity of his condition. His bank account with Axis Bank held Rs. 14.38 lakhs, but the account remained inaccessible without legal authority. The family had no way to access these funds for medical and household expenses. There existed no specific statutory provision for appointing a guardian for persons in such a condition. The petitioners sought the High Court's intervention to

appoint the wife as legal guardian for the limited purpose of operating the bank account.

**Issues:**

The Court framed the following issue:

1. Whether, in the absence of a statutory mechanism, a High Court can exercise parens patriae jurisdiction under Article 226 to appoint a spouse as the legal guardian of a person in a comatose state?

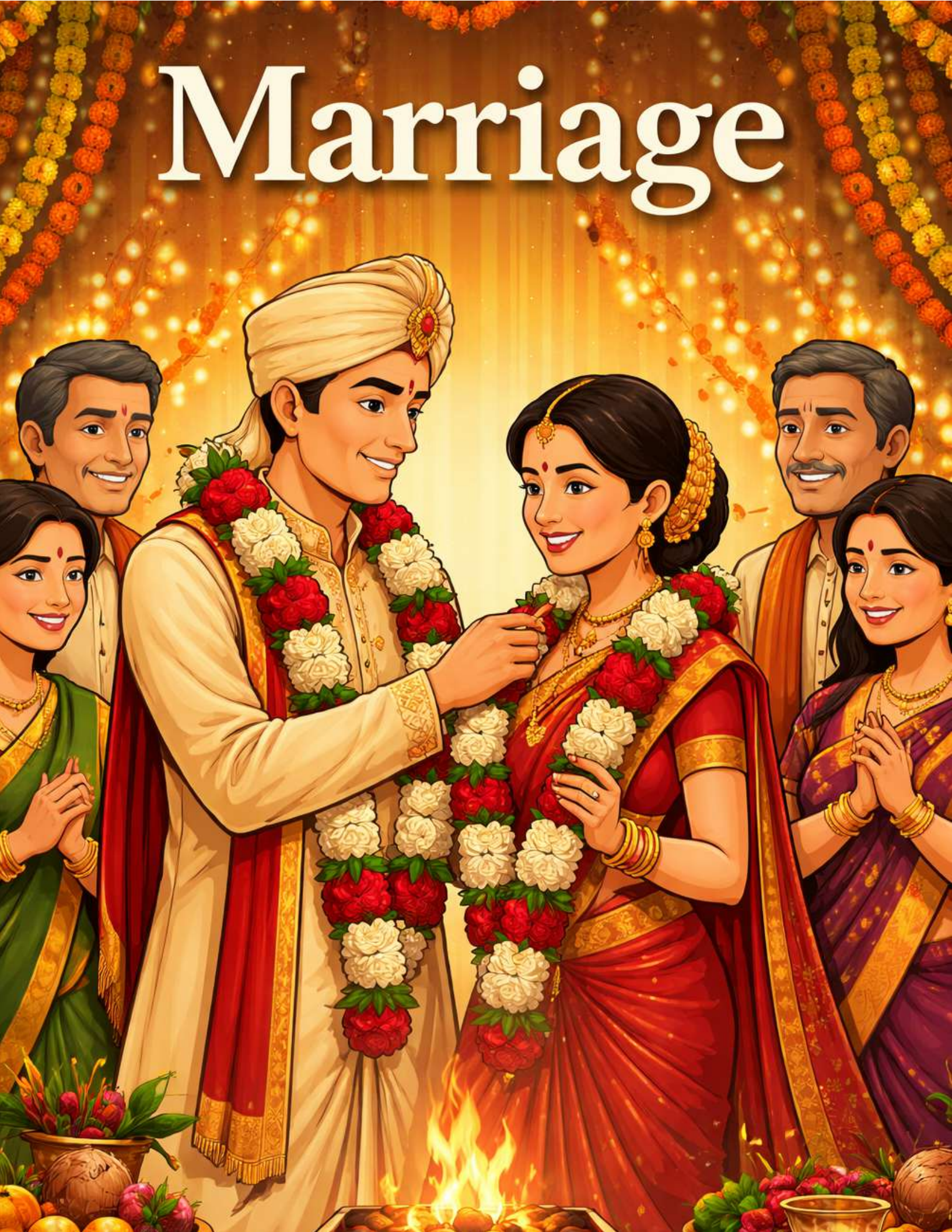
**Ratio Decidendi:**

The Court held that where a person is entirely incapable of managing their affairs due to a permanent vegetative condition, and no specific statutory remedy exists, the High Court is both empowered and duty-bound to exercise parens patriae jurisdiction. In identifying the most appropriate guardian, the Court invoked the concept of "Ardhangini," drawn from ancient Indian philosophical thought, which recognises the wife as the other half of the husband. The wife, being the closest and most naturally suited person, was appointed as the legal guardian for the limited purpose of operating the bank account. The Court also directed that periodic account statements be produced before the Registrar (Judicial) once every three months for one year or until any significant medical event.

**Conclusion:**

The writ petition was allowed. The wife was appointed as the legal guardian of her husband for the purpose of operating his bank account to meet medical and household expenses, subject to periodic judicial oversight.

# Marriage



# Marriage

## 7. Mohd. Arif Ahmad Jahagir Khan v. State of M.P., 2026 SCC OnLine MP 3553

**Court:** High Court of Madhya Pradesh

**Coram:** B.P. Sharma, J.

**Date:** 18 March 2026

✦ **Relevance:** This ruling reaffirms a critical intersection between personal law and criminal law, holding that Section 494 IPC (bigamy) has no application where the parties are governed by Muslim Personal Law, which expressly permits plurality of marriages. The case draws a clear line between what may be morally contentious and what is legally impermissible.

### Facts:

The petitioner, a Muslim man, was married to the complainant on 27 December 2002. The complainant alleged years of marital cruelty, including harassment over her inability to bear a child. On 4 May 2022, the petitioner pronounced talaq once. On 29 May 2022, he married another woman under Muslim rites, and a second talaq followed on 2 July 2022. On 17 June 2022, the complainant filed a criminal complaint leading to registration of a case with charges under Sections 498-A (cruelty), 494 (bigamy), 342 (wrongful confinement), 323 (hurt), and 506 Part-II (criminal intimidation) of the IPC. The petitioner approached the High Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of the proceedings, particularly the bigamy charge.

**Issues:**

The Court framed the following issue:

1. Whether a Muslim male who contracts a second marriage during the subsistence of the first marriage can be prosecuted for bigamy under Section 494 IPC?

**Ratio Decidendi:**

The Court held that Section 494 IPC requires, as an essential ingredient, that the second marriage must be void by reason of the subsistence of the first marriage. Since Muslim Personal Law permits a Muslim male to marry up to four wives subject to conditions, a second marriage under such circumstances is not void. Therefore, the essential ingredient of Section 494 is simply not met. The Court relied on *Sarla Mudgal v. Union of India* (1995) and *Khursheed Ahmad Khan v. State of U.P.* (2015), both of which had recognised that Muslim Personal Law permits polygamy. Continuing prosecution for bigamy under these circumstances would amount to an abuse of the judicial process.

**Conclusion:**

The petition was partly allowed. The proceedings under Section 494 IPC were quashed. The trial was permitted to continue for the remaining charges of cruelty, assault, wrongful confinement, and criminal intimidation, which the Court found were prima facie established from the investigation material.

### 8. Kailash Chand v. Deepa Devi, RSA No. 173 of 2008

**Court:** High Court of Himachal Pradesh

**Coram:** Rakesh Kainthla, J.

**Date:** 9 April 2026

✦ **Relevance:** This judgment closes the door on a persistent legal argument that long cohabitation by itself creates a presumption of a valid marriage. The Court insists that where customary marriage is claimed, the custom must be ancient, certain, and proven. Brief cohabitation, without more, cannot confer the legal status of a spouse.

#### **Facts:**

The second appeal arose from concurrent findings of both the trial court and the first appellate court, which had presumed a lawful marriage between the parties based on the fact that they had lived together for some period. The defendant had projected herself as the plaintiff's wife and sought legal recognition of that status. The plaintiff, on the other hand, maintained that no valid marriage had ever taken place. No religious ceremonies were performed, and the defendant's claim rested on a local custom and on the fact of cohabitation. The plaintiff sought a declaration that the defendant was not his wife and sought to restrain her from entering his house and making false claims of marital status.

#### **Issues:**

The Court framed the following issue:

1. Whether an unproven local custom or brief cohabitation can confer the legal status of a valid marriage?

**Ratio Decidendi:**

The Court held that the presumption of a valid marriage arising from prolonged cohabitation, as recognised under law, requires the cohabitation to be of significant duration and not merely brief or intermittent. More critically, where customary marriage is claimed, the party asserting it must prove the custom to be ancient, certain, reasonable, and consistently followed within the community. Neither a vague, unproven assertion of a local custom nor short-term cohabitation is sufficient to bestow marital status. The concurrent findings of the courts below that had presumed a lawful marriage were set aside as legally unsustainable.

**Conclusion:**

The High Court allowed the second appeal, set aside the findings of the courts below, granted the declaration that the defendant was not the plaintiff's wife, and issued a restraint order against the defendant from falsely claiming marital status or entering the plaintiff's house.

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# Child Custody



## Child Custody

### 9. Ankur Joshi v. State of M.P., 2026 SCC OnLine MP 6298

**Court:** High Court of Madhya Pradesh (Indore Bench)

**Coram:** Vijay Kumar Shukla and Binod Kumar Dwivedi, JJ.

**Date:** 20 April 2026

✦ **Relevance:** This case brings the tension between foreign court orders and Indian child welfare jurisprudence into sharp focus. The Court held that a foreign custody decree, even from a court of competent jurisdiction, cannot override the paramount consideration of the child's welfare. India's courts are not executing courts for foreign orders when those orders conflict with a child's best interests.

#### Facts:

The petitioner-father had been residing in the United States since 2017 along with his wife and two minor sons. In August 2024, the wife travelled to India with the children and did not return. The petitioner obtained a custody order from a Texas court on 14 April 2025, granting him sole managing conservatorship over the children. Armed with this order, he filed a writ petition under Article 226 of the Constitution before the Madhya Pradesh High Court seeking the production of the children and their return to the United States. The respondents contended that returning the children would not serve their welfare. The Court interacted with the children in chambers and found them emotionally settled and enrolled in school in India. The petitioner's mother had passed away, and he was living alone in the US without immediate family support.

**Issues:**

The Court framed the following issue:

1. Whether an Indian court is bound to mechanically enforce a foreign custody order, or whether the welfare of the child remains the overriding determinant?

**Ratio Decidendi:**

The Court held that the doctrine of comity of courts, while important, is not absolute in matters of child custody. A foreign custody order is relevant but not conclusive. The welfare of the child is the paramount consideration, and Indian courts retain full authority to independently assess what serves the child's best interests. Drawing from civilisational thought and the principles embedded in the Ramayana and Mahabharata, the Court noted that maternal care at a child's formative stage is a civilisational norm resonating deeply with modern child welfare jurisprudence. The children, having been enrolled in school and having lived in India for eight months, showed signs of emotional stability. Returning them to a father living alone in the US, in an environment entirely disconnected from their current attachments, would not serve their welfare.

**Conclusion:**

The writ petition was dismissed. The Court clarified that it had confined itself to the immediate welfare of the children and had not adjudicated permanent custody. Liberty was granted to the parties to approach the Family Court for final determination of custody.

**10. Akshit Pandey v. State of U.P., 2026 SCC OnLine All 3131**

**Court:** High Court of Allahabad

**Coram:** Sandeep Jain, J.

**Date:** 21 April 2026

✦ **Relevance:** This ruling reaffirms the father's status as the natural guardian following the mother's death, while ensuring that the child's emotional ties with maternal relatives are not severed. It clarifies that temporary custody with relatives during an unfortunate interregnum does not extinguish the father's right and duty to raise his child.

**Facts:**

The petitioner-father filed a habeas corpus writ petition before the High Court seeking custody of his 13-month-old son. The child's mother had died in February 2025 during a failed IVF procedure. Since the mother's death, the child had been in the care of the maternal aunt and uncle. The father contended that he was the natural guardian and was financially capable of providing for the child. He had a sister living nearby who was a homemaker and available to assist with caregiving. The maternal relatives opposed the petition, casting doubt on the father's capability and pointing to the circumstances of the mother's death during the IVF procedure as reflecting adversely on him.

**Issues:**

The Court framed the following issue:

1. Whether the father, as the natural guardian, is ordinarily entitled to the custody of a minor child following the mother's death, and whether the child's temporary stay with relatives can defeat this right?

**Ratio Decidendi:**

1. The Court held that the mother's death during an IVF procedure cannot, in any manner or by any logic, be attributed to the father so as to disentitle him from claiming custody of the child. The father is the natural guardian under law after the mother's passing and is ordinarily the most suitable person to take care of the child's welfare. Denying him custody at this stage would risk the child growing up without any emotional bond to the father, which would be deeply detrimental to the child's long-term development. At the same time, the Court was careful to preserve the child's emotional bond with the maternal family by granting them visitation rights. It also clarified that if the maternal relatives observe any circumstances adverse to the child's welfare in the future, they remain free to approach the Court.

**Conclusion:**

The habeas corpus petition was allowed. The maternal relatives were directed to hand over custody of the child to the father in Court itself. The maternal relatives were granted visitation rights.