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January 2026 Edition

KUTUMB



CENTRE FOR COMPARATIVE
STUDIES IN PERSONAL LAWS

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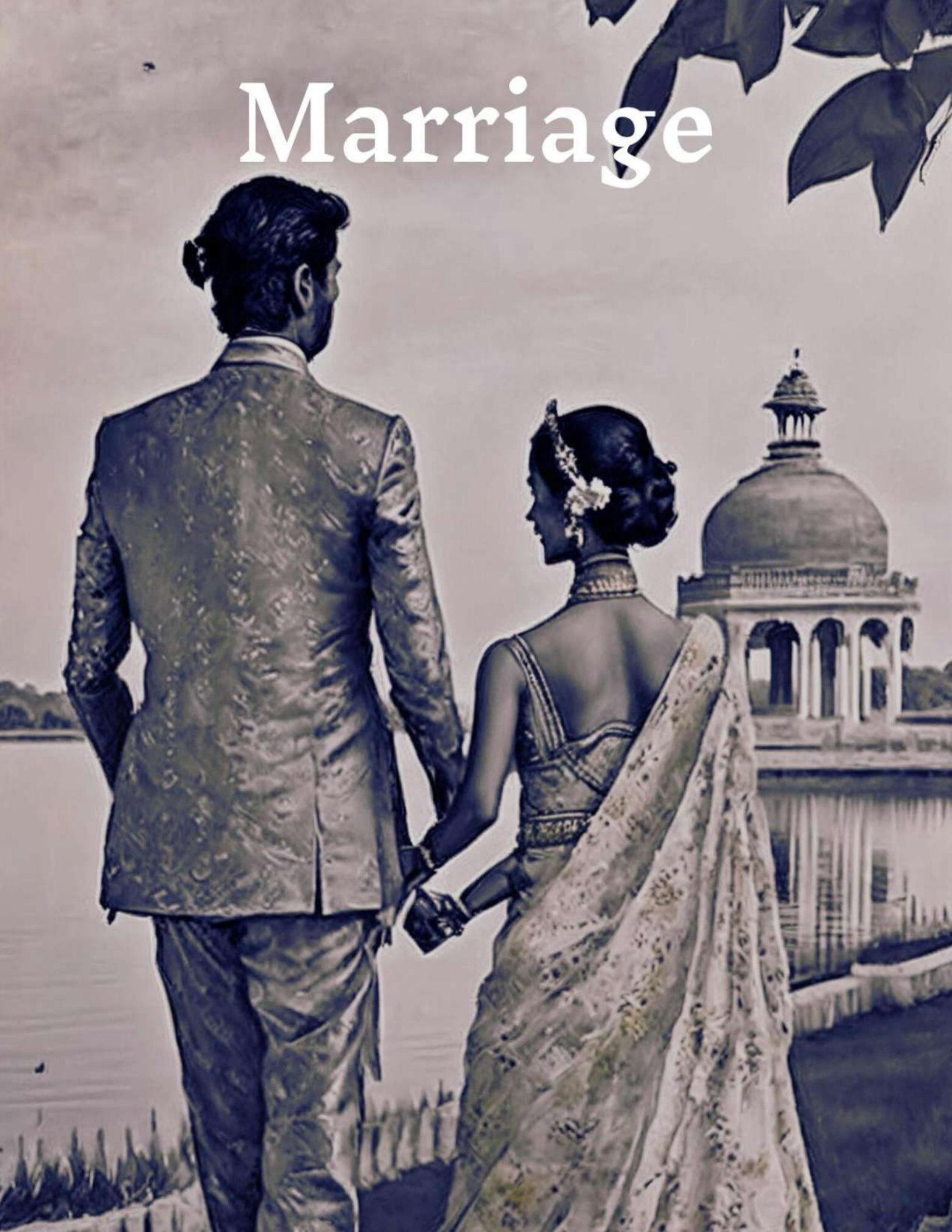
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Marriage



Marriage

1. Deep Dey v. State of West Bengal, CRR 2190 of 2017

Court: Delhi High Court

Coram: Vivek Chaudhary and Renu Bhatnagar, JJ.

Date: 6 March 2026

♦ **Relevance:** Establishes that the one-year bar under Section 14 HMA may be waived in cases of a purely formal, non-consummated marriage with no cohabitation, where continuation would result in exceptional hardship.

Facts:

The parties were solemnly joined in matrimony on 30-03-2025 at Arya Samaj Mandir, Khirki Village, New Delhi, and their union was duly registered on 02-04-2025. However, what followed was not the beginning of a shared life. The couple never came together under one roof, their marriage was never consummated, and from the very day of the ceremony, both continued to reside in their respective parental homes. The union, though sacred in its solemnization, remained a union only on paper.

Realising their irreconcilable differences and complete incompatibility almost immediately after the ceremony, the parties mutually and amicably decided to seek dissolution of their marriage. Since their joint petition under Section 13-B(1) HMA was presented within seven months of the wedding, they filed an application under Section 14 HMA seeking leave to present the petition prior to the expiry of one year.

The Family Court declined to grant leave, holding that the parties had failed to demonstrate "exceptional hardship," that they had not made earnest efforts to preserve the marriage, and that the prompt registration of their union after solemnization diluted

their claim of hardship. Aggrieved, the parties approached the Delhi High Court in appeal.

It was also brought to the Court's notice that the husband was settled in Canada while the wife resided in India, anchored by her responsibility towards her aged parents, with neither party being able to relocate.

Issues:

1. Whether the one-year bar under Section 14 of the Hindu Marriage Act, 1955 (HMA) could be waived for a couple who, though formally united in matrimony, never shared a home, never came together as husband and wife, and had no realistic prospect of building a life together, so as to permit them to present a joint petition for divorce by mutual consent under Section 13-B(1) HMA before the completion of one year of marriage?

Ratio Decidendi:

The Court's reasoning was grounded in principles of constitutional equality, the rule of law, and the imperative nature of statutory duties.

1. The Division Bench held that the admitted facts, namely no cohabitation, no consummation, no children, and no possibility of the parties ever coming together, struck at the very foundation of a subsisting matrimonial relationship. The Court reasoned that where a marriage has never truly been lived, the question of making efforts to salvage it does not meaningfully arise.
2. On the Family Court's reasoning regarding registration, the Court held that registration of marriage is merely a statutory mandate and cannot, by itself, speak to matrimonial harmony, intention to cohabit, or the viability of the relationship.
3. The Court further observed that insisting upon the completion of the statutory one-

year period in such circumstances would be to perpetuate a marriage that existed only in law and not in substance, compelling the parties to remain tethered to a relationship devoid of any matrimonial foundation. Taking into account the geographical separation of the parties across two countries and the wife's obligation to care for her aged parents, the Court concluded that such insistence would amount to exceptional hardship within the meaning of the proviso to Section 14(1) HMA, justifying waiver of the one-year bar.

Conclusion:

The Delhi High Court allowed the appeal and set aside the Family Court's order dated 09-12-2025. Leave was granted under Section 14 HMA to the parties to present their joint petition for divorce by mutual consent under Section 13-B(1) HMA forthwith, without waiting for the expiry of one year from the date of marriage. The matter was remanded to the Family Court for expeditious disposal.

2. Kankalata Dwibedi v. State of Odisha, 2026 SCC OnLine Ori 147

Court: Orissa High Court

Coram: Dixit Krishna Shripad and Chittaranjan Dash, JJ.

Decided on: 13 January, 2026

♦ **Relevance:** Clarifies that a second marriage contracted during the subsistence of a valid first marriage is void ab initio and confers no legal status of “wife,” thereby disentitling such a woman from claiming family pension even after the first wife’s death.

Facts:

The case arose from the claim of the appellant, Kankalata Dwibedi, to family pension under the Odisha Civil Services (Pension) Rules, 1992, upon the death of a government employee with whom she had entered into matrimony. The employee, however, had contracted this second marriage during the subsistence of his first, valid marriage. The first wife subsequently passed away, and thereafter the employee himself departed from this world.

Upon his passing, Kankalata sought family pension as his widow. Her claim was rejected by the competent authority vide order dated 12-11-2021, on the ground that she was not the legally married wife of the deceased, the second marriage being void in law. The appellant challenged this order, contending that the Pension Rules expressly use the expression “wife/wives,” and therefore she ought to be recognised as the widow and rightful claimant to the family pension, particularly after the first wife was no longer alive.

Issues:

1. Whether a woman whose marriage to a deceased government employee was contracted during the subsistence of his first, valid marriage is entitled to family pension under the Odisha Civil Services (Pension) Rules, 1992, particularly after the passing away of the first wife, on the ground that the Rules use the expression "wife/wives"?

Ratio Decidendi:

The Division Bench grounded its reasoning in the foundational principles of the Hindu Marriage Act, 1955. The Court emphasised that since the enactment of the Act, monogamy is the inviolable rule admitting of no exception, and that the idea of contracting a second marriage during the subsistence of the first is fundamentally at odds with the spirit and substance of the Act. It was further noted that the Act does not recognise the absence of children from the first marriage as a permissible ground for entering into another wedlock while the first spouse is still alive.

The Court held that family pension under the Rules is payable to the widow of a deceased employee, and that a valid marriage is a sine qua non for a woman to claim the status of a widow. Since the second marriage was void ab initio under Section 17 of the HMA, Kankalata never acquired the legal status of a wife and consequently could not claim the status of a widow.

The Court firmly rejected the textual argument based on the word "wives" in the Rules, holding that it cannot be read to authorise an employee to contract multiple marriages in violation of the law. Most significantly, the Court reiterated the foundational principle that what is void ab initio does not become valid by the happening of a subsequent event. The passing away of the first wife, however significant a life event,

could not cure the fundamental legal infirmity of the second marriage. Granting pension in such circumstances, the Court observed, would amount to placing a premium on illegality and would, directly or indirectly, encourage legally impermissible conduct among government employees.

Conclusion:

The Orissa High Court dismissed the writ appeal as devoid of merit, upholding the order of the competent authority denying family pension to the appellant. The Court reaffirmed that a second marriage contracted during the subsistence of a first valid marriage is void ab initio under the Hindu Marriage Act, 1955, and that no subsequent event can breathe legal validity into such a union. A woman in such a position cannot claim the status of a widow under the Pension Rules and is therefore not entitled to family pension.

3. Ajay Kumar Sahoo v. State of Orissa, 2026 SCC OnLine Ori 101

Court: Orissa High Court

Coram: Harish Tandon, C.J. and Murahari Sri. Raman, J.

Decided on: 06 January, 2026

♦ **Relevance:** Affirms that a major woman's autonomy and consent in matters of marriage and residence are paramount, and the State must protect her right to live independently free from familial or spousal coercion.

Facts:

A writ petition was filed before the Orissa High Court concerning a major girl who had been compelled into marriage without her free and informed consent. Pursuant to an earlier order of the Court, the girl was produced before the Bench by the police authorities.

Upon interaction with the Court, the girl disclosed that on account of the forced nature of her marriage, she found it deeply difficult to continue living in her matrimonial home and had accordingly left of her own accord. She categorically stated that she had no intention of returning to live either with her husband or with her parents. She further informed the Court that she was gainfully employed and capable of earning her own livelihood. Being a major, she firmly asserted her capability and her right to make decisions for herself.

Issue:

1. Whether a major girl who has been compelled into marriage without her consent is entitled to assert her autonomy and right to reside independently, and what obligations are cast upon the State to ensure her safety and freedom from interference?

Ratio Decidendi:

The Division Bench held, in clear and unequivocal terms, that the decision of the girl is paramount and her consent must be obtained before any decision concerning her marriage is taken. The Court observed that a time has come for society to deeply introspect upon the practice of forcing daughters into matrimony against their will.

The Court emphasised that when a girl is not ready for marriage, giving her in marriage through extraneous force is not conducive to a healthy society. Being a major, she stands fully entitled to make her own choices about her life, her residence, and her relationships, and no person, including her parents or her husband, can lawfully override that right.

The Court also highlighted the need for sensitisation programmes to be conducted by the administration, with a view to eradicating the tendency of parents to impose their own decisions upon their children in matters as deeply personal as marriage. The Court noted that since the girl had already been produced before it and had expressed her wishes clearly, no purpose would be served in keeping the writ petition pending any further.

Conclusion:

The Court disposed of the writ petition with the following directions:

The police authorities were directed to ensure the smooth and unhindered return of the girl to her chosen place of residence. The Court further directed that no interference or obstruction be created from any quarter, expressly including her parents and her husband. The police were additionally directed to ensure the ongoing safety and security of the girl at her place of abode and to take immediate steps upon the report of any untoward incident.

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The judgment stands as a firm affirmation that a woman's autonomy over her own life and body is not a privilege to be granted by her family but a right she carries by virtue of her majority and her personhood.

Maintenance



Maintenance

4. Kanchana Rai v. Geeta Sharma, 2026 SCC OnLine SC 59

Court: Supreme Court of India

Coram: Pankaj Mithal and S.V.N. Bhatti, JJ

Decided on: 13 January, 2026

✦ **Relevance:** Establishes that a daughter-in-law who becomes a widow even after the father-in-law's death qualifies as a "dependant" under HAMA and can claim maintenance from his estate, based on a literal and rights-oriented interpretation.

Facts:

The dispute arose from the estate of late Dr. Mahendra Prasad, who departed from this world on 27-12-2021. He was survived by three sons, namely Ranjit Sharma, Devinder Rai, and Rajeev Sharma. Prior to his passing, Dr. Mahendra Prasad had executed a registered Will on 18-07-2011, appointing the wife of his son Devinder Rai, namely Kanchana Rai, as the executor of the Will, and bequeathing his properties in favour of her two sons, entirely excluding his own sons Ranjit Sharma and Rajeev Sharma.

After the passing of Dr. Mahendra Prasad, his son Ranjit Sharma also passed away on 02-03-2023, leaving behind his wife, Geeta Sharma (Respondent No. 1). Now widowed and without spousal support, Geeta Sharma filed a petition before the Family Court seeking maintenance from the estate of her late father-in-law, Dr. Mahendra Prasad, under the Hindu Adoptions and Maintenance Act, 1956.

The Family Court dismissed the petition as not maintainable, reasoning that Geeta Sharma was not a widow on the date of Dr. Mahendra Prasad's death, since her husband

Ranjit Sharma was still alive at that time. On appeal, the High Court set aside this order, holding the petition to be maintainable on the ground that Geeta Sharma was the widow of a son of the deceased and therefore a dependent. The High Court directed the Family Court to consider the matter on merits and determine the quantum of maintenance.

Aggrieved, two appeals were preferred before the Supreme Court: one by Kanchana Rai, the wife of another son Devinder Rai and executor under the Will, questioning the maintainability of the petition; and another by one Smt. Uma Devi, who claimed to have been in a live-in relationship with the late Dr. Mahendra Prasad for over forty years, contending that Geeta Sharma had no legal right to seek maintenance from his estate.

Issues:

Whether a daughter-in-law, who becomes a widow only after the death of her father-in-law, qualifies as a "dependant" within the meaning of Section 21(vii) of the Hindu Adoptions and Maintenance Act, 1956, and is therefore entitled to claim maintenance from the estate of her deceased father-in-law under Section 22 of the Act?

Ratio Decidendi:

1. The Supreme Court approached the question as one of pure statutory interpretation, proceeding on its own reasoning independent of the views taken by the courts below.
2. The Court anchored its analysis in Section 21(vii) of the Act, which defines "dependants" of a deceased Hindu to include "any widow of his son," provided she is unable to obtain maintenance from her husband's estate, or from her son or daughter, or their estates. The Court noted that the language of the provision is clear and unambiguous: it uses the words "any widow of his son" and conspicuously does not use the words "widow of his predeceased son." The

legislature, in its wisdom, had deliberately avoided restricting the definition to predeceased sons. The time at which the son passes away or the wife becomes a widow is, therefore, entirely immaterial.

3. Applying the cardinal rule of literal interpretation, the Court held that where statutory language is clear and unambiguous, it must be given its plain and natural meaning. Relying on *Crawford v. Spooner* (1846), *B. Premanand v. Mohan Koikal* (2011) 4 SCC 266, and *Vinod Kumar v. DM, Mau* (2023) 19 SCC 126, the Court reaffirmed that courts cannot add, subtract, or re-write the words of a statute by inferring what the legislature might have intended. The language employed is the determinative factor of legislative intent.
4. The Court further held that any restrictive interpretation limiting the definition to widows of predeceased sons would violate Article 14 of the Constitution of India. Such a classification, based solely on the fortuitous timing of the husband's death, whether before or after the father-in-law, bears no rational nexus with the object of the Act, which is to secure maintenance for dependants unable to sustain themselves. Both categories of widowed daughters-in-law are similarly situated in terms of their vulnerability and need; denying maintenance to one on such an arbitrary basis would be manifestly unreasonable.
5. The Court also held that such a restrictive reading would offend Article 21 of the Constitution, which guarantees the right to life with dignity, judicially expanded to include the right to livelihood and basic sustenance. Denying maintenance on a narrow construction of the statute would expose a widowed daughter-in-law to destitution and social marginalisation.
6. Drawing additionally from the ancient wisdom of *Manu Smriti* (Chapter 8, Verse

389), which enjoins that no mother, father, wife, or son ought to be forsaken, the Court observed that it is the pious obligation of the family to maintain its vulnerable members. It also distinguished between Section 19 and Section 22 of the Act: Section 19 obliges a father-in-law to maintain his widowed daughter-in-law during his own lifetime, while Section 22 contemplates maintenance of dependants, including a widowed daughter-in-law, from the estate of the deceased father-in-law after his passing.

Conclusion:

The Supreme Court dismissed both appeals as lacking merit, with no order as to costs. It upheld the High Court's finding that the petition filed by Geeta Sharma was maintainable, holding that "any widow of the son" of a deceased Hindu is a dependant within the meaning of Section 21(vii) of the Hindu Adoptions and Maintenance Act, 1956, and is entitled to claim maintenance under Section 22 of the Act, irrespective of whether she became a widow before or after the death of her

5. Suman Verma v. State of U.P., 2026 SCC OnLine All 14

Court: High Court of Allahabad

Coram: Garima Prashad, J.

Date: 8 January 2026

♦ **Relevance:** This case confronts an uncomfortable but common pattern in maintenance litigation. The Allahabad High Court takes strong exception to courts and parties characterising a wife's years of domestic sacrifice as a calculated ploy to extract money after separation. It remands the maintenance matter to the Family Court with a direction to apply a more equitable, socially aware lens when assessing a woman's claim.

Facts:

The revisionist wife had filed an application under Section 125 of the Code of Criminal Procedure, 1973, seeking maintenance from her husband. The Additional Principal Judge, Family Court, rejected her application, reasoning that she was capable of earning independently and that her choice to remain at home was voluntary. The Family Court also awarded a maintenance of a mere Rs. 3,000 per month to the couple's minor son, an amount the wife described as wholly inadequate. She filed a revision petition before the High Court.

Issue:

1. Whether a wife who gave up gainful employment to fulfill domestic responsibilities can be denied maintenance on the ground that she is capable of supporting herself, and whether the maintenance awarded to the minor child was sufficient.

Ratio Decidendi:

The Single Judge Bench took note of a well-known but often ignored social reality. In Indian households, many women subordinate their careers to the demands of family life. They raise children, manage homes, and support their husbands through years of professional growth. When a marriage falls apart and they seek maintenance, this very sacrifice is frequently weaponised against them, reframed as a deliberate scheme to become financially dependent and then claim money after separation. The Court rejected this characterisation sharply. The sacrifice is real. Its consequences in the job market are real. Women who have been out of the workforce for years face genuine difficulties returning to it. Courts must account for both the sacrifice and its aftermath. On the question of the child's maintenance, the Court found Rs. 3,000 per month to be a meagre and wholly inadequate figure.

Conclusion:

The impugned order was set aside, and the matter was remanded to the Family Court for fresh determination of maintenance. The High Court directed that the proceedings be conducted with greater sensitivity and a realistic assessment of the wife's actual circumstances. The ruling is a timely push-back against a pattern of reasoning in family courts that penalises women for the very domestic contributions they were encouraged, and often pressured, to make.

6. Vineeta v. Dr. Ved Prakash Singh, 2026 SCC OnLine All 79

Court: High Court of Allahabad

Coram: Lakshmi Kant Shukla, J.

Date: 19 January 2026

♦ **Relevance:** This is a fact-specific but instructive case about the limits of maintenance liability under Section 125 CrPC. The Allahabad High Court holds that a wife cannot successfully claim maintenance from a husband who has been left permanently incapacitated by a grievous firearm injury inflicted by the wife's own brother. The ruling addresses the equitable dimension of maintenance law, that the obligation presupposes a husband who is actually capable of paying.

Facts:

The petitioner wife's application for maintenance under Section 125 CrPC was rejected by the trial court. She filed a revision petition before the High Court seeking to set aside that rejection and claim maintenance from her husband, Dr. Ved Prakash Singh. The background to the case was stark: the wife's brother had shot Dr. Singh during the marriage, causing a grievous firearm injury. The injury was so severe that Dr. Singh was left permanently incapacitated and unable to earn any livelihood. The wife nonetheless contended that she had no independent means of support and was entitled to maintenance. The husband, for his part, argued that he could barely sustain himself, let alone pay maintenance to anyone.

Issue:

Whether a wife is entitled to maintenance under Section 125 CrPC when her husband's incapacity to earn has been directly caused by a grievous injury inflicted by the wife's

own family member.

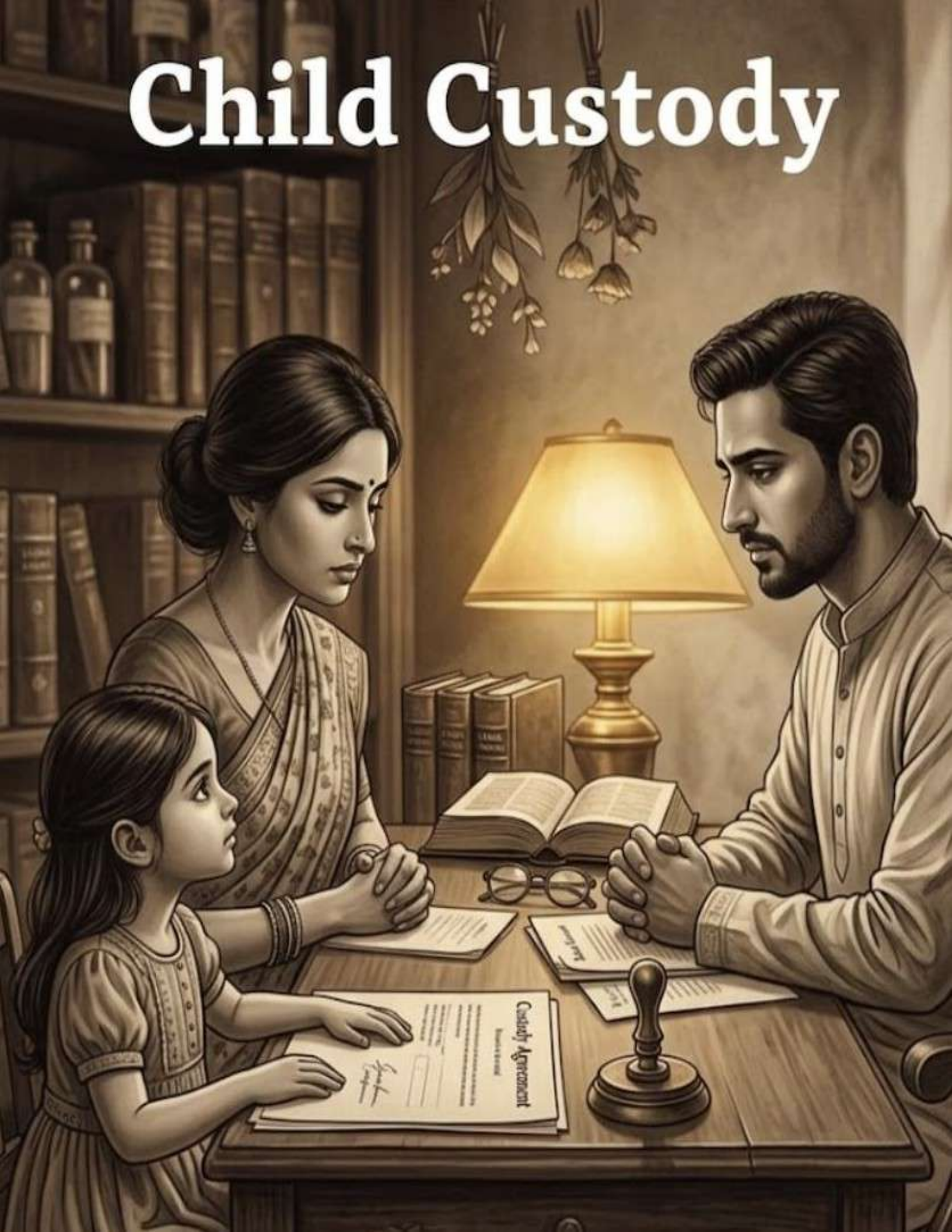
Ratio Decidendi:

The Single Judge Bench declined to grant maintenance. The Court held that this was not a case where a husband was simply unwilling to pay. The husband's earning capacity had been destroyed, and the instrument of that destruction was the wife's own brother. Compelling a man who cannot earn to pay maintenance to the wife whose family had rendered him incapable of earning would be a grave injustice. Maintenance law is designed to protect dependent spouses who lack support. It is not designed to impose an obligation on a person who has been made incapable of meeting it through the conduct of the claimant's close relative.

Conclusion:

The revision petition was dismissed, and the denial of maintenance was upheld. The judgment is carefully fact-specific. It does not stand for the broad proposition that any family-connected misconduct bars a wife's claim. But it does make plain that equity is central to maintenance law, and courts are entitled to look at the full picture of who did what to whom before directing payment.

Child Custody



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Child Custody

7. Pankaj v. Archana, 2026 SCC OnLine Del 201

Coram: Dr Swarana Kanta Sharma, J.

Court: Delhi High Court

Decided on: 05 January, 2026

♦ **Relevance:** Clarifies that split custody does not dilute a husband's statutory duty to maintain his wife and the child residing with her, and courts may infer real income from lifestyle and expenditure patterns when assessing maintenance.

Facts:

The petitioner-husband and respondent-wife were lawfully wedded to each other, and their union was blessed with two children, a son and a daughter. Following matrimonial discord, the parties began living separately from January 2021. The wife alleged that she was compelled to leave the matrimonial home on account of physical assault and cruelty inflicted upon her, and that owing to inadequate accommodation, she had shifted to rented premises in February 2021, paying rent of Rs. 7,000 per month. The son came to reside with the husband, while the daughter continued to live with the wife.

The wife filed a petition under Section 125 of the Criminal Procedure Code, 1973, seeking maintenance of Rs. 75,000 per month for herself and Rs. 50,000 per month for the minor daughter. She asserted that the husband owned properties at Munirka fetching rental income, possessed another flat, was engaged in property dealing, and was also employed with the MCD on a contractual basis.

The husband denied all these allegations, contending that he owned no properties,

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received no rental income, and earned only approximately Rs. 13,500 per month from his contractual employment. He further alleged that the wife herself earned Rs. 50,000 per month from a freelance beauty parlour.

Upon examining the income and expenditure affidavits and bank statements, the Family Court found that the husband's expenses exceeded his claimed income and that his withdrawal pattern was inconsistent with his stated expenditure. The Family Court accordingly assessed his income at not less than Rs. 60,000 per month and directed payment of interim maintenance of Rs. 20,000 per month to the wife and minor daughter. The husband challenged this order before the Delhi High Court by way of a revision petition.

Issues:

1. Whether the fact that one child resided with the husband could be used to dilute or negate his obligation to pay maintenance to the wife and the other child residing with her under Section 125 CrPC?
2. Whether the Family Court's assessment of the husband's income at Rs. 60,000 per month, based on his expenditure pattern and bank statements, was sustainable, and if so, what quantum of interim maintenance was appropriate?

Ratio Decidendi:

The Court reaffirmed that the obligation of a husband to maintain his wife and minor children, where they are unable to maintain themselves, is firmly embedded in law and flows not only from Section 125 CrPC but also from the larger social and constitutional objective of preventing vagrancy and destitution. The Court further reiterated that at the stage of consideration of interim maintenance, it is neither expected nor required to embark upon a detailed inquiry or conduct a mini trial to resolve disputes conclusively.

On the question of split custody, the Court held clearly that the mere fact of one child residing with the husband cannot, by itself, be a ground to absolve him of his obligation to maintain the wife and the minor child residing with her. The responsibility of maintenance does not stand divided merely because each parent has the custody of one child. The Court clarified that while the custody arrangement was a relevant consideration for determining the quantum of maintenance, it did not in any manner negate or diminish the statutory obligation.

On the question of income, the Court found that the Family Court had not proceeded on surmises but had undertaken a holistic and careful examination of the husband's own affidavits and bank statements. His claimed expenses were found to exceed his stated income even before accounting for his own subsistence needs. The frequent and unexplained transactions reflected in his bank statements, including payments to fuel stations and commercial outlets, were found to be wholly inconsistent with a claimed monthly income of Rs. 13,500. The Court upheld the Family Court's reliance on material indicating the husband's engagement in property dealing and observed that in cases involving the unorganised sector, the Court cannot insist upon mathematical precision and is entitled to draw reasonable inferences from surrounding circumstances, expenditure patterns, and lifestyle indicators.

However, taking a balanced view, the Court held that while concealment of income was evident, the assessment of Rs. 60,000 per month required some moderation, given that the husband was also bearing the responsibility of maintaining the minor son residing with him. The Court accordingly reassessed the husband's income at Rs. 50,000 per month for the purposes of interim maintenance.

Conclusion:

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The Delhi High Court partly allowed the revision petition and modified the Family Court's order. The Court directed the husband to pay a consolidated sum of Rs. 17,500 per month as interim maintenance to the wife and minor daughter, reduced from the earlier awarded amount of Rs. 20,000 per month, payable from the date of filing of the application and subject to adjustment of amounts already paid. The Court affirmed that custody arrangements do not alter the fundamental statutory duty of a husband to maintain his wife and children who are unable to maintain themselves.

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8. Laxmikant Joshi v. Lokeshwari, 2026 SCC OnLine Chh 915

Court: High Court of Chhattisgarh

Coram: Sanjay K. Agrawal, J. and Arvind Kumar Verma, J.

Date: 14 January 2026

♦ **Relevance:** This custody case is a clear judicial statement on the limits of financial advantage as a factor in child welfare determinations. The Chhattisgarh High Court denies custody to a father who is living with a second woman as his wife, without having obtained a legal divorce from the child's mother. The Court holds that material prosperity cannot substitute for the emotional security and consistent care that a biological mother, who has raised the child since birth, provides.

Facts:

The parties were married and had a minor son. The marriage eventually broke down. The father began cohabiting with another woman, effectively treating her as a second wife, without first securing a divorce from the child's mother. The mother remained the child's primary caregiver. The father filed for custody of the minor son, emphasising that he had considerably greater financial resources and could provide the child with superior educational opportunities, a better standard of living, and more material comforts. The Family Court rejected his custody application. He appealed before the Division Bench.

Issue:

Whether a father who is living with a second woman without divorcing the child's mother should be granted custody of a minor child solely on the basis of his financial superiority.

KUTUMB**January 2026****Ratio Decidendi:**

The Division Bench dismissed the appeal. It held that a child's welfare extends far beyond material provision. What a child needs, particularly in its formative years, is love, emotional consistency, and a stable and nurturing environment. Money can provide comforts. It cannot replace a mother who has been the child's primary caregiver from the first day of its life. The Court found that it could not overlook the real uncertainty about whether a step-mother would provide the same warmth and affection that the biological mother had consistently offered. The father's financial advantage, while relevant, was not nearly enough to justify removing a child from a stable maternal environment. His decision to enter a second relationship without obtaining a lawful divorce further reflected poorly on the stability of the home he was proposing to offer.

Conclusion:

The appeal was dismissed. The ruling reinforces what courts have said many times, though it bears repeating: in child custody cases, the paramount consideration is the welfare of the child, not the wealth of the parent. Financial capacity is one factor among many, and it loses weight entirely when measured against a child's emotional security and consistent care.

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9. Pankaj v. Archana, 2026 SCC OnLine Del 477

Court: High Court of Delhi

Coram: Swarana Kanta Sharma, J.

Date: 5 January 2026

♦ **Relevance:** This case resolves a practically significant question about the interplay between custody arrangements and maintenance obligations. The Delhi High Court holds that a husband's custody of one child does not diminish or discharge his legal duty to maintain his wife and the other child who continues to live with her. Maintenance obligations are assessed independently, and partial custody cannot serve as an offset against the financial claims of the remaining dependants.

Facts:

The Family Court had directed the husband to pay interim maintenance of Rs. 20,000 per month to his wife and their minor daughter, jointly, under Section 125 of the Code of Criminal Procedure, 1973. The husband challenged this order before the High Court. He contended that since one of the couple's children was in his custody and was being entirely supported by him, his overall maintenance obligations had already been substantially discharged. On this basis, he sought a reduction in the maintenance payable to the wife and the other child living with her.

Issue:

Whether custody of one child by the husband reduces his legal obligation to pay maintenance to his wife and the other minor child living with her under Section 125 CrPC.

KUTUMB**January 2026****Ratio Decidendi:**

The Single Judge Bench partially modified the Family Court's order, reducing the monthly maintenance from Rs. 20,000 to Rs. 17,500. However, the Court categorically rejected the husband's core argument on principle. It held that custody of one child by the father does not, in law, dilute or diminish his maintenance obligations towards the wife and the other child living with her. Each obligation is independently assessed. The wife's right to maintenance flows from her own dependency and circumstances, not from the number of children the husband is raising. The other child's claim is equally separate. A father who is raising one child is not thereby released from the responsibility of supporting his wife and the child in her care.

Conclusion:

The maintenance was modified to Rs. 17,500 per month. The underlying legal principle, that partial custody is not an offset mechanism against maintenance claims, was firmly upheld. The ruling keeps the focus where it belongs: on the needs and dignity of the dependent spouse and child, not on what other domestic arrangements the husband has independently made.

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Divorce

10. Debleena Dutta v. Suman Kumar Ruj, 2026 SCC OnLine Jhar 24

Court: High Court of Jharkhand

Coram: Sujit Narayan Prasad, J. and Arun Kumar Rai, J.

Date: 7 January 2026

♦ **Relevance:** This case brings the realities of digital-age abuse into matrimonial law. The Jharkhand High Court holds that a husband's sustained campaign of blackmail, using his wife's intimate photographs as a weapon of humiliation and control, constitutes mental cruelty of a severe nature under Section 13(1)(i-a) of the Hindu Marriage Act, 1955. The ruling recognises that psychological violence enabled by technology is a legitimate ground for dissolving a marriage.

Facts:

The parties were married and had been living together. The husband came into possession of intimate or objectionable photographs relating to the wife's past. Rather than treating this information with any degree of dignity, he weaponised it. He repeatedly threatened the wife that he would expose her past or upload the photographs on social media. The wife was subjected to a prolonged pattern of blackmail, humiliation, and emotional terror. She filed a petition for dissolution of the marriage on the ground of cruelty. The Family Court dismissed the petition, and the wife appealed to the Division Bench.

Issue:

Whether a husband's repeated blackmailing of his wife using objectionable photographs

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and threats to upload them on social media constitutes mental cruelty justifying dissolution of marriage under Section 13(1)(i-a) of the Hindu Marriage Act.

Ratio Decidendi:

The Division Bench reversed the Family Court and held that the husband's conduct amounted squarely to mental cruelty. The Court observed that marriage rests on a foundation of trust, mutual respect, and emotional safety. A husband who uses his wife's private photographs to intimidate, degrade, and control her is not merely behaving badly. He is systematically dismantling everything a marriage is built upon. The Court held that cruelty does not require physical violence. Sustained psychological abuse, particularly when it involves exploitation of private information to hold a spouse in a permanent state of fear and shame, is cruelty in its most insidious form.

Conclusion:

The appeal was allowed, the Family Court's dismissal was set aside, and the marriage was dissolved. The decision is an important one for the era of smartphone cameras and social media. It establishes that the law will not require a spouse to remain in a marriage where intimacy has been turned into a tool of control.

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11. Ranthi Kumari Devi v. Suresh Kumar Sahu, 2026 SCC OnLine Jhar 63

Court: High Court of Jharkhand

Coram: Sujit Narayan Prasad, J. and Arun Kumar Rai, J.

Date: 8 January 2026

♦ **Relevance:** This judgment explores a less-discussed form of matrimonial fraud, namely, deliberate concealment of material facts before marriage. The Jharkhand High Court holds that hiding one's true age and a prior conviction for murder from a prospective spouse amounts to mental cruelty of the kind that justifies divorce. The ruling reinforces that the consent underpinning a marriage must be an informed consent, and deception that taints that consent cannot be overlooked.

Facts:

The respondent husband had filed for divorce on the ground of mental cruelty, alleging that the wife had, before their marriage, suppressed two significant facts: her actual age and the fact that she had been convicted of a murder case and sentenced to life imprisonment. He contended that he was entirely unaware of these facts at the time of marriage and would never have agreed to the union had they been disclosed. The Family Court granted the divorce decree, finding in favour of the husband. The wife appealed before the Division Bench, challenging the finding of cruelty.

Issue:

Whether deliberate pre-marital concealment of material facts, specifically the wife's true age and a prior conviction for life imprisonment, amounts to mental cruelty sufficient to sustain a decree of divorce.

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The Division Bench upheld the Family Court's decree. It held that marriage is not merely a social rite but a consensual relationship in which both parties must be fully and honestly informed about each other's material circumstances. Concealing a conviction for murder, a fact that directly affects where and how the parties can live together, strikes at the very roots of matrimonial trust. The Court observed that when such concealment is discovered, it does not merely hurt feelings. It dismantles the entire premise on which the other spouse had agreed to the marriage. The element of deception here was not trivial. A person serving life imprisonment cannot participate in the ordinary life of a marriage, and hiding that fact is not an omission but a deliberate act of fraud.

Conclusion:

The appeal was dismissed, and the decree of divorce in favour of the husband was affirmed. The judgment draws a firm line: material pre-marital concealment that goes to the heart of one's consent to marry is a form of cruelty that the courts will recognise and act upon.