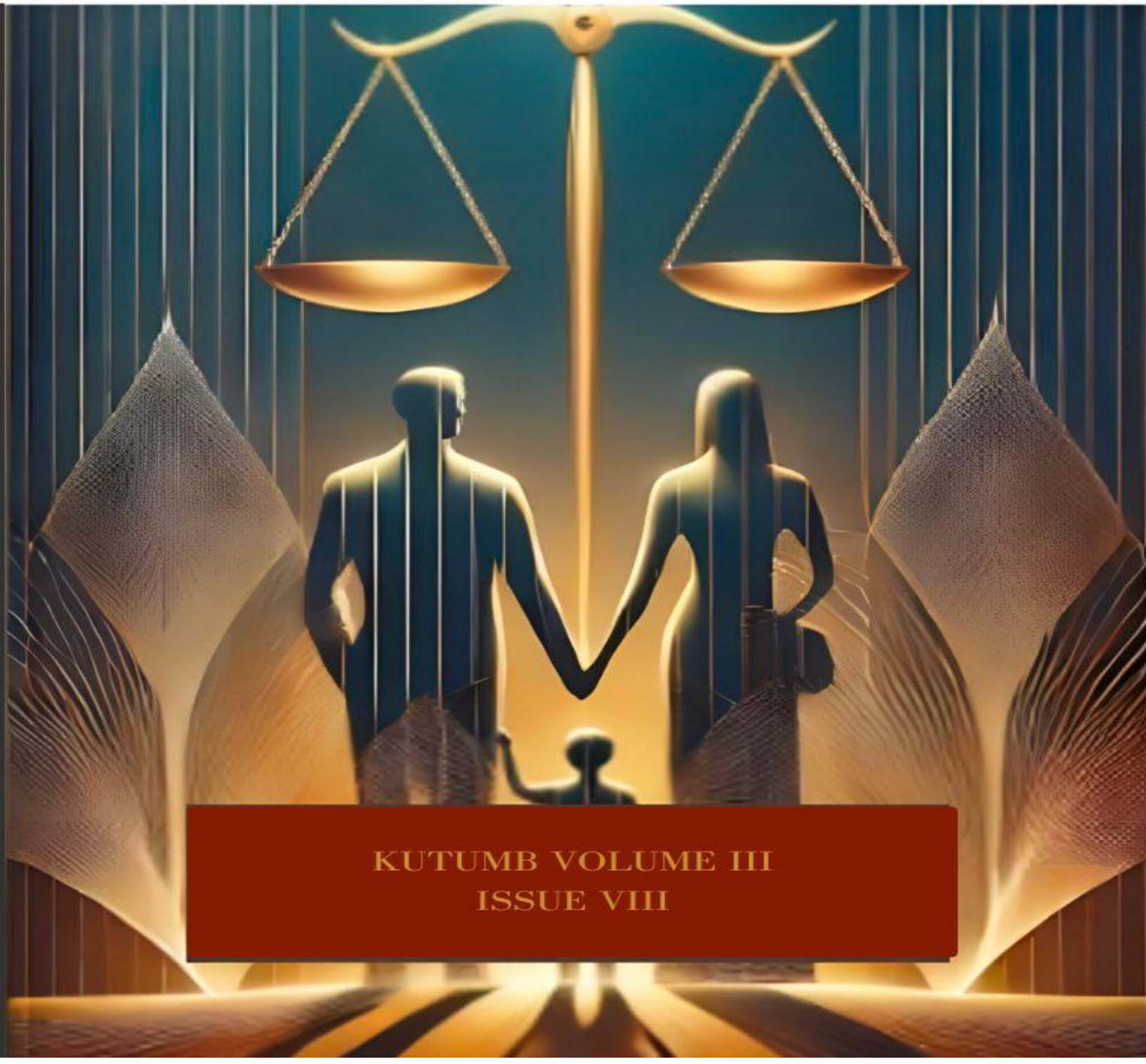




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NU
DELHI



KUTUMB VOLUME III
ISSUE VIII

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MAINTENANCE



Maintenance

1. Vikaramjeet Rana vs. State of NCT of Delhi & Anr., CRL.REV.P.(MAT)

224/2025

Court: High Court of Delhi

Coram: Justice Neena Bansal Krishna

Date: 06 November 2025

Facts:

The Petitioner (Husband) filed a Criminal Revision Petition challenging an Appellate Court's order in a matter under the Protection of Women from Domestic Violence Act, 2005 (D.V. Act). An order dated 16 November 2021 had directed the Petitioner to pay Rs. 20,000 per month to the Respondent No. 2 (Wife) towards alternate accommodation/rent. Subsequently, the Petitioner filed an application under Section 25(2) of the D.V. Act for modification of this order, submitting evidence that the wife had, in the interim, purchased her own residential flat in Hauz Khas, Delhi. The learned Additional Sessions Judge (ASJ) dismissed the husband's application, reasoning that although the wife had acquired a flat, she was paying EMIs of Rs. 42,740 per month, and thus the Rs. 20,000 previously awarded for rent could be adjusted towards the repayment of her home loan. The husband challenged this impugned order.

Issues:

1. Whether the Respondent-wife is entitled to continue receiving maintenance for 'alternate accommodation' after acquiring her own residential property.
2. Whether the subsequent acquisition of a flat constitutes a change in circumstance under Section 25(2) of the D.V. Act, warranting modification of the maintenance order.

Ratio Decidendi:

The High Court held that the acquisition of a self-owned flat by the Respondent-wife was a substantial and material change in circumstance under Section 25(2) of the D.V. Act. The very *substratum* (underlying basis) upon which the original maintenance was granted, namely, the need for alternate rental accommodation, had ceased to exist. The Court observed that the legislative intent of the D.V. Act is to provide immediate relief and *succour* to a woman who is financially vulnerable, not to create an undue benefit or to allow a party to profit from the order. The learned ASJ had erred in converting the 'rent' component into an 'EMI' adjustment; the purpose of the Act is not to finance the acquisition of capital assets. To permit the continuation of the payment would be contrary to the purpose of interim relief under the D.V. Act.

Conclusion:

The High Court allowed the petition and set aside the impugned order of the ASJ. It was directed that the Respondent-wife shall not be entitled to the sum of Rs.

20,000 per month towards rent with effect from May 2024 (the approximate date of acquiring the new property).

2. Minor. Vikash rep. by his Grandfather and Guardian Karuppanan vs.

Priya, CRL RC(MD) No. 1148 of 2025

Court: High Court of Madras

Coram: Justice L. Victoria Gowri

Date: 13 November 2025

Facts:

The case involved a Criminal Revision Petition filed by a paternal grandfather on behalf of his 13-year-old grandson, seeking maintenance from the child's mother under Section 125 CrPC. The child's parents had divorced by mutual consent in 2014. The divorce decree explicitly vested full custody of the minor with the father and recorded the father's undertaking to bear the child's entire maintenance. The mother was, by the same decree, exempted from paying maintenance and had not claimed any for herself. Both parents subsequently remarried. The minor resided with the paternal grandparents. The grandfather filed the Sec 125 CrPC petition, which was dismissed by the Family Court, Karur, in 2023 on the grounds that the grandfather lacked *locus standi* and the petition lacked *bona fides*. This revision petition challenged that dismissal.

Issues:

1. Whether the paternal grandfather had the locus standi to file a maintenance petition on behalf of the minor under Section 125 CrPC, especially when the natural guardian (the father) is alive and financially capable.
2. Whether a maintenance claim under Section 125 CrPC can be resurrected against a mother when the issue of maintenance was given finality in a mutual consent divorce decree.

Ratio Decidendi:

The High Court affirmed the Family Court's order, finding no legal infirmity.

On Locus Standi: The Court held that Section 125 CrPC allows a minor to seek maintenance through a natural guardian. A grandfather can only represent the child if appointed as a guardian by a competent court under the Guardians and Wards Act, 1890, which had not been done.

On Sanctity of Decree: The mutual consent divorce decree, which settled custody and maintenance, had attained finality. The Court held that this fresh petition was an attempt to indirectly nullify the terms of that decree.

On Abuse of Process: The Court held that the petition was an attempt to disturb the calm and dignity of the woman's new matrimonial life. It held that former in-laws cannot intrude into the privacy of a remarried spouse by instituting repeated litigations under the pretext of child welfare. Such actions constitute judicial harassment and are contrary to the mother's right to dignity and peace under Article 21 of the Constitution.

Conclusion: The Criminal Revision Petition was dismissed, and the order of the Family Court, Karur, was confirmed.

ADOPTION



Adoption

3. Irina Tankha vs. Anirudh N. Tankha, MAT.APP.(F.C.) 55/2025

Court: High Court of Delhi

Coram: Justice Anil Kshetrapal and Justice Harish Vaidyanathan Shankar, JJ.

Date: 04 November 2025

Facts:

This appeal challenged a Family Court's interim order concerning the custody of a minor girl (born in 2021). The mother (Appellant) is a Russian national, and the child also holds a Russian passport. The father (Respondent) is an Indian national. The mother left the matrimonial home, alleged abuse, and, according to the father, took steps to secure exit permits from the Russian Embassy to return to Russia. The Family Court, citing a reasonable apprehension that the mother was a flight risk and might remove the child from Indian jurisdiction, granted interim custody to the *father*. This was done despite the child being under five years of age, overriding the statutory presumption under Section 6(a) of the Hindu Minority and Guardianship Act, 1956 (HMG Act). The mother appealed this interim order.

Issues:

1. Whether the statutory presumption under Section 6(a) of the HMG Act, which states that custody of a child under five years shall ordinarily be with the mother, is absolute.
2. Whether the apprehension of a parent being a flight risk and removing the child from the jurisdiction of Indian courts is a sufficient ground to override

this presumption, based on the paramount consideration of the child's welfare.

Ratio Decidendi:

The High Court dismissed the mother's appeal, upholding the Family Court's order. The Court reiterated that the paramount consideration in all custody matters is the welfare of the child, which supersedes all statutory parental rights. The Court's reasoning was that welfare is not limited to emotional comfort but includes legal and jurisdictional stability. There was a high apprehension that the mother might exit India, rendering the entire legal proceeding otiose (pointless). The Court noted that India is not a member of the Hague Conference on Private International Law (while the Russian Federation is), which would make the enforcement of any future Indian custody order in Russia a complex, uncertain, and diplomatic-dependent process. Therefore, the child's welfare was best served by ensuring she *remains within the jurisdiction* of the Indian court, which necessitated granting interim custody to the father, who had stable roots in India.

Conclusion:

The appeal was dismissed. The interim order granting custody to the father was upheld as it was deemed to be in the best interest of the child to ensure the effectiveness of the adjudication.

DIVORCE



Divorce

4. Pankaj Shukla vs. Deepak Chaturvedi, CIVIL APPEAL NO(S). OF 2025

(Arising out of SLP (C) NOS.19120-19121 OF 2023)

Court: Supreme Court of India (Division Bench)

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

Date: 13 November 2025

Facts:

The parties were married in April 2008. The wife (Appellant) left the matrimonial home in December 2008, barely eight months after the marriage, allegedly to prepare for judicial services examinations. She later became a practicing advocate. The husband (Respondent) alleged the marriage was never consummated. In 2012, the husband filed for divorce on grounds of cruelty and desertion. In 2016, the wife filed a petition for Restitution of Conjugal Rights (RCR). The Family Court and the Rajasthan High Court both granted the divorce, holding that the wife's RCR plea was not *bona fide* and was merely a counter-blast to the divorce petition. The husband remarried in May 2023 after the High Court decree. The wife appealed this decision to the Supreme Court.

Issues:

1. Whether the concurrent findings of divorce on grounds of desertion and cruelty by the lower courts were valid.

2. Whether a professionally qualified, earning wife is entitled to permanent alimony after a 17-year separation, during which the marriage was never consummated.

Ratio Decidendi:

The Supreme Court affirmed the concurrent findings of the lower courts, noting that the parties had been separate for nearly 17 years and reconciliation efforts had failed, proving that no matrimonial bond remains. The Court also noted the husband's remarriage. However, on the issue of alimony, the Court held that even though the wife is a practicing advocate, the husband continues to bear a duty to provide alimony so as to maintain her financial stability and reasonably secure her future. The wife's earning capacity, while a relevant factor, does not automatically disentitle her from permanent alimony. Considering the husband's financial standing and the long duration of the legal dispute, the Court deemed Rs. 50,00,000 (Rupees Fifty Lakhs) to be a just, fair, and reasonable one-time settlement.

Conclusion:

The Supreme Court dismissed the wife's appeal, thereby upholding the decree of divorce. However, it directed the husband to pay a one-time permanent alimony of Rs. 50 Lakhs to the wife within three months.