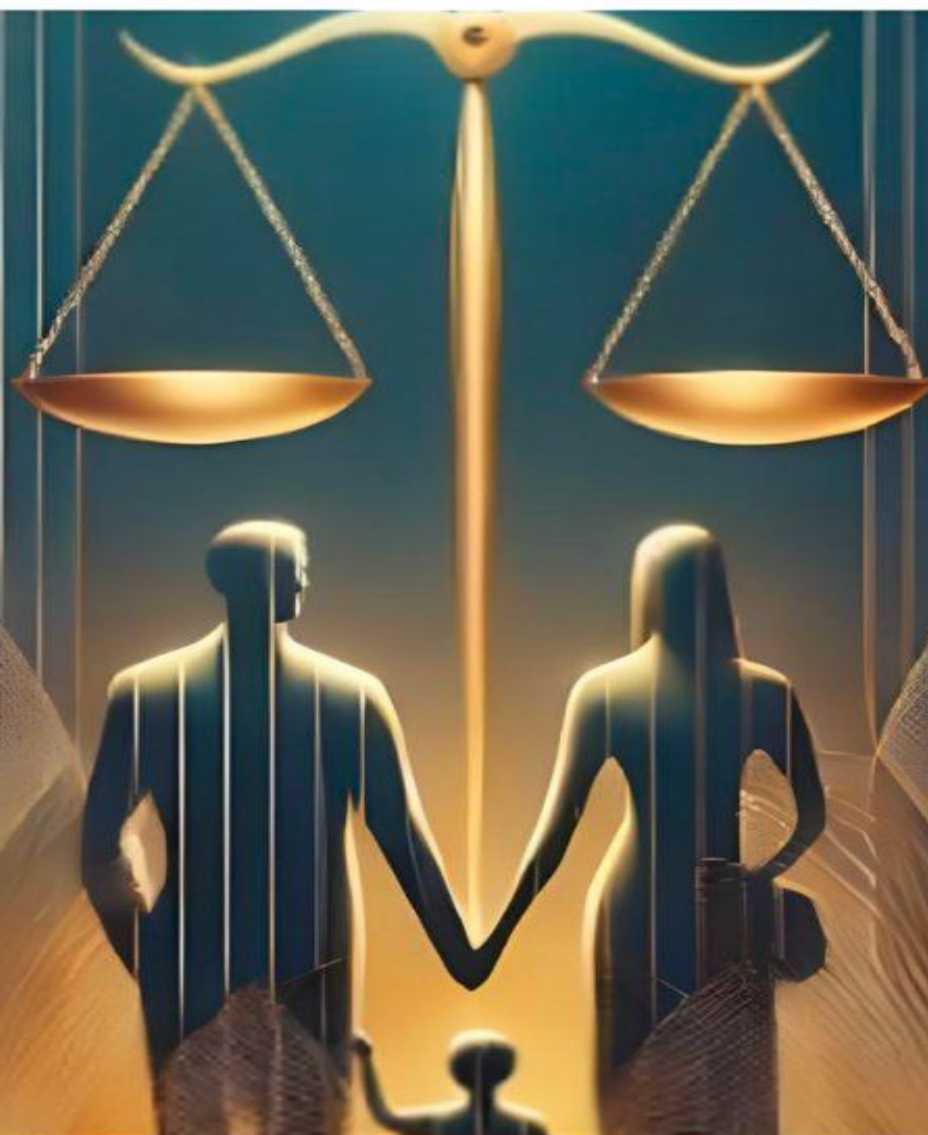




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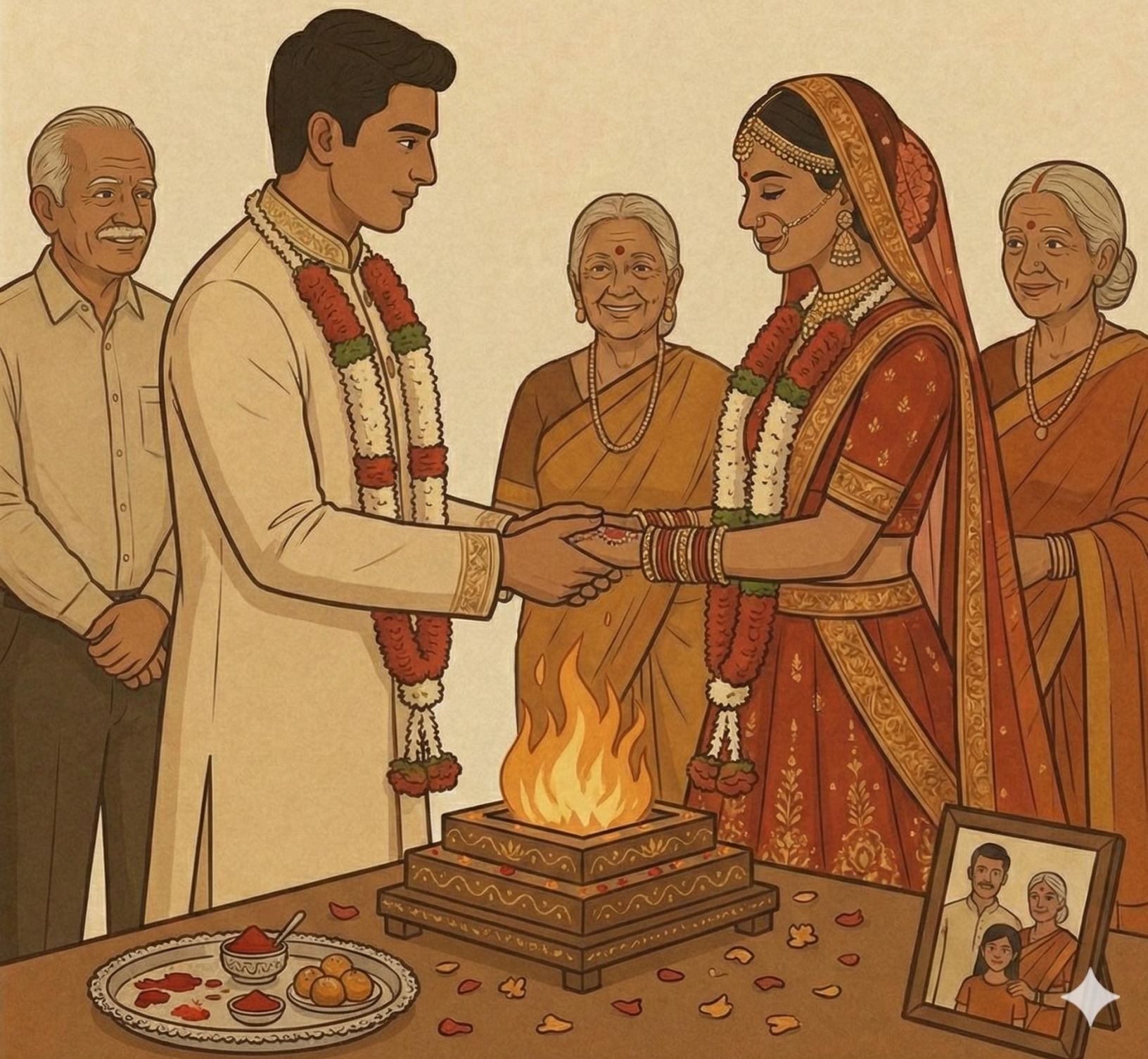
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MARRIAGE



Marriage

1. Vivek Nagrath v. Divya Gogiani, 2025 DHC 8888-DB

Court: High Court of Delhi

Coram: Navin Chawla and Madhu Jain, JJ.

Date: 09 October 2025

Facts:

The appellant-husband filed an appeal challenging a Family Court order in a dispute concerning the validity of his marriage. The marriage was allegedly solemnized at an Arya Samaj Mandir. The appellant sought a decree of nullity, challenging the performance of the essential ceremonies required for a valid Hindu marriage.

Issues:

1. What are the essential ceremonies required for a valid Hindu marriage under Section 7 of the Hindu Marriage Act, 1955?
2. What is the evidentiary value of a marriage certificate when the performance of customary rites, such as *Saptapadi*, is disputed?

Ratio Decidendi:

The High Court's reasoning focused on the statutory requirements for a valid Hindu marriage as laid down in Section 7 of the HMA.

Section 7 HMA: The Court analyzed Section 7, which states that a Hindu marriage may be solemnized in accordance with the customary rites and ceremonies of either party thereto.

Saptapadi: The Court noted that sub-section (2) of Section 7 gives statutory recognition to *Saptapadi* (the taking of seven steps jointly before the sacred fire). Critically, it provides that where such a custom is part of the rites, the marriage becomes complete and binding when the seventh step is taken. The Act does not make *Saptapadi* universally obligatory, but it is a binding requirement *if* it is part of the custom of either party.

Presumption of Validity: The Court reiterated the established legal principle that when a marriage is performed and a marriage certificate is issued to certify it, the court will presume that it was a valid marriage and that necessary ceremonies were performed. The burden to rebut this presumption lies squarely on the person challenging the marriage.

Conclusion:

The judgment affirmed these key principles. The final adjudication of the appeal would depend on whether the appellant successfully rebutted the legal presumption of validity by proving that the essential customary ceremonies (like *Saptapadi*, if applicable to the parties) were not performed.

2. Muhammad Shareef C. v. State of Kerala, 2025 SCC OnLine Ker
11796

Court: High Court of Kerala

Coram: Justice P. V. Kunhikrishnan

Date: 30 October 2025

Facts:

The petitioners, a 44-year-old Muslim man and his 38-year-old second wife, filed a petition challenging the refusal of a local registrar of marriages to register their marriage under the Kerala Registration of Marriages (Common) Rules, 2008. The man's first marriage was still subsisting, and he had two children from it. The petitioners contended that under Muslim Personal Law, a man is permitted to have up to four wives at a time, and therefore, the registrar could not refuse to register their valid second marriage. The registrar had declined the registration, as the first wife was not notified and given an opportunity to be heard.

Issues:

1. Whether a Muslim man can use the state's secular registration machinery under the Kerala Registration of Marriages (Common) Rules, 2008, to register a second marriage without notifying the first wife?
2. How should the court balance the rights claimed under Personal Law (polygamy) with the procedural requirements and protections of secular registration rules?

3. Whether the first wife has a right to object to the registration of her husband's second marriage?

Ratio Decidendi:

The High Court delivered a significant judgment, holding that secular law and constitutional rights prevail in the domain of state-regulated registration, and personal law cannot be invoked to bypass this.

Constitutional Rights are Supreme: The Court held that religion is secondary and constitutional rights are supreme. While Muslim Personal Law might allow a second marriage under specific conditions (like the ability to do justice and maintain both wives), the registration of that marriage is governed by the law of the land, i.e., the Common Rules.

First Wife's Right to be Heard: Court's primary ratio was that a Muslim man cannot proceed to register his second marriage without notifying his first wife, as long as his marital relationship with her is valid. The first wife cannot remain a silent spectator and must be given an opportunity to be heard before the registration is finalized.

Registrar's Duty: The Court directed that the registrar shall not register a second marriage if the first wife objects on the ground that it is invalid (e.g., that the husband has not fulfilled the conditions for polygamy under Islamic principles). In such a case, the parties must be referred to the competent civil court to establish the validity of the marriage before registration can be affected.

Conclusion:

The High Court dismissed the petition, primarily because the first wife had not been made a party to the case. The Court clarified that the petitioners could file a fresh application for registration, but the registrar must then issue a notice to the first wife and provide her an opportunity to be heard before proceeding with the registration.

MAINTENANCE



Maintenance

3. Tasmeer Qureshi vs. Asfia Muzaffar, 2025:DHC:9479

Court: High Court of Delhi

Coram: Justice Swarana Kanta Sharma

Date: 29 October 2025

Facts:

The petitioner-husband filed a revision petition challenging an order of the Family Court. The Family Court had directed him to pay interim maintenance of ₹15,000 per month to the respondent-wife and ₹5,000 per month to their minor son, totaling ₹20,000 per month. The wife had alleged dowry harassment, physical assault, and abandonment at her parental home while she was pregnant. The Family Court, in its order, noted that the husband had likely concealed his true income. However, the court proceeded to fix the interim maintenance amount of ₹20,000 mechanically and without providing any reasoned assessment of the husband's probable income or the basis for arriving at this specific figure. The High Court, taking cognizance of this, used the petition as an occasion to reiterate the principles for maintenance adjudication.

Issues:

1. Whether the Family Court committed a legal error by fixing a quantum of interim maintenance without first making an assessment of the spouse's income and recording reasons for the amount?
2. What are the guiding principles that Family Courts must adhere to while determining interim maintenance in light of Supreme Court precedents?

Ratio Decidendi:

The High Court delivered a significant judgment reinforcing the procedural and substantive principles governing interim maintenance, emphasizing the non-negotiable nature of the *Rajnish v. Neha* guidelines.

Adherence to *Rajnish v. Neha*: The Court held that the detailed directions and guidelines laid down by the Supreme Court in *Rajnish v. Neha* are the guiding star for all maintenance applications. It expressed concern that Family Courts were deviating from these principles, leading to a lack of clarity in assessing income, determining quantum and recording reasons.

Assessment of Income is Non-Negotiable: The Court's primary ratio was that the assessment of the parties' income is the crucial first step. Maintenance cannot be determined *in vacuum*. The Family Court's order was deemed unsustainable precisely because, despite finding that the husband concealed his income, it failed to record *any* assessment of his probable income or provide a basis for the ₹20,000 figure.

Realistic View on Wife's Employability: The Court issued a crucial directive on assessing a wife's earning capacity, especially after childbirth. It held that Childcare is a full-time commitment that constrains the mother's ability to engage in regular employment. A woman's sacrifice of her career for the family should not be portrayed as a devilish act to deny maintenance.

No Generalisations: The Court cautioned against generalised or gendered presumptions. The fact that a wife was working earlier or is living with parents after separation cannot be used as grounds to deny or reduce maintenance. Each case must be assessed on its own social and emotional realities.

Conclusion:

The High Court disposed of the petition and remanded the matter back to the Family Court for a fresh determination of interim maintenance. The Family Court was directed to pass a fresh, *reasoned* order within one month, after properly assessing the parties' income as per the *Rajnish v. Neha* guidelines. The judgment was directed to be circulated to all Family Court judges in Delhi for compliance.

4. Rekha Minocha vs. Amit Shah Minocha & Ors, 2025 INSC 1265

Court: Supreme Court of India

Coram: Justice Vikram Nath and Justice Sandeep Mehta)

Date: 29 October 2025

Facts:

The parties were married in October 2009 and had a son born in December 2010. The marital relationship deteriorated rapidly, and the wife was compelled to leave the matrimonial home in April 2010, alleging mental and physical harassment by her in-laws. The parties had been living separately for over 15 years, during which time multiple acrimonious legal proceedings were initiated. The wife filed a petition for maintenance under Section 125 CrPC in 2013 and a complaint under the Protection of Women from Domestic Violence Act, 2005, in 2019. The Trial Court had granted maintenance totaling ₹25,000 per month for the wife and child, along with ₹4 lakhs in compensation. However, the Rajasthan High Court, in July 2023, set aside the maintenance order and quashed the compensation. In the proceedings before the Supreme Court, the husband offered to pay a lump sum of ₹1 crore as permanent alimony for a full and final settlement and dissolution of the marriage. The wife objected to this, stating her desire to continue the marriage.

Issues:

1. Whether the Supreme Court, in exercise of its plenary powers under Article 142 of the Constitution, should dissolve a marriage on the ground of irretrievable breakdown, even if one of the parties (the wife) objects to the dissolution?
2. What constitutes the appropriate quantum of permanent alimony to bring a quietus to all pending disputes between the parties?

Ratio Decidendi: The Court's reasoning was grounded in the practical reality of a defunct marriage and its constitutional power to do complete justice.

Irretrievable Breakdown of Marriage: The Bench observed that the parties had been separated for over 15 years. The multiple rounds of litigation between them, characterized by acrimony and bitterness, were a clear indication that the matrimonial bond was irretrievably broken down and beyond any possibility of reconciliation.

Exercise of Article 142 Powers: The Court held that prolonging such a legally dead marriage served no purpose and would only perpetuate the conflict and suffering of the parties. Invoking its extraordinary jurisdiction under Article 142 of the Constitution, the Court held it was necessary to grant a decree of divorce to bring a quietus to the long-drawn matrimonial dispute. While noting the wife's objection, the Court found that dissolution was essential to end the years of acrimony.

Determination of Permanent Alimony: In determining the final settlement, the Court took cognizance of the husband's own offer to pay ₹1 crore. This sum was deemed appropriate as permanent alimony and a full and final settlement of all claims. Critically, the Court further secured the future of the child by directing that this lump sum payment was separate from the husband's ongoing responsibility to support their son's education.

Conclusion:

The Supreme Court allowed the appeal, invoking its powers under Article 142 of the Constitution, and dissolved the marriage by a decree of divorce. The husband was directed to pay ₹1 crore to the wife as permanent alimony and was further directed to continue to support their son's education.

ADOPTION AND GUARDIANSHIP



Adoption

5. Arun And Another vs State Of U.P., Special Appeal No. 316 of 2025

Court: High Court of Allahabad

Coram: Justice Rajan Roy and Justice Prashant Kumar, JJ.

Date: 10 October 2025

Facts:

The appellants filed a special appeal challenging a single judge's order in a Habeas Corpus petition. The original petition was filed by the natural parents of a minor girl, seeking her custody from the appellants. The appellants, claiming to be the adoptive parents, resisted the petition and produced a *notarized* adoption deed as proof of their claim. The single judge rejected their claim, holding the adoption was invalid as the deed was not registered, and granted custody to the natural parents. The appellants, in their appeal, admitted they only had a notarized deed but argued that registration was not mandatory, relying on a 2014 High Court decision in *Sanjay Kumar vs State of U.P.*

Issues:

1. Whether an adoption under the Hindu Adoptions and Maintenance Act, 1956 (HAMA) is legally valid in the State of Uttar Pradesh if it is executed through a notarized deed instead of a *registered* deed?
2. Whether secondary evidence (a notarized deed) is admissible when the primary evidence (a registered deed) never existed?

Ratio Decidendi:

The High Court provided a crucial clarification specific to Uttar Pradesh, holding that the state's amendment to HAMA is decisive and mandatory.

U.P. State Amendment is Mandatory: The Court's reasoning was based on the U.P. Civil Laws (Reforms and Amendments) Act, 1976, which introduced a state-specific amendment to Section 16 of HAMA.

Post-1977 Adoptions: The Bench held that a conjoint reading of the amended Section 16(2) of HAMA and Section 17 of the Registration Act, 1908, makes it clear that after January 1, 1977, any adoption in the State of U.P. can take place only by way of a registered deed and not otherwise.

Notarized Deed Has No Legal Validity: Consequently, the notarized deed relied upon by the appellants was held to have no legal validity for the purpose of effecting a legal adoption.

Secondary Evidence Not Admissible: The Court rejected the plea to treat the notarized deed as secondary evidence, explaining that secondary evidence under the Indian Evidence Act, 1872, is admissible *only* when the primary document (the registered deed) *existed* but was lost or unavailable. In this case, the primary evidence *never* existed.

Conclusion:

The High Court dismissed the special appeal, holding that the adoption relied upon by the appellants was invalid in law. It sustained the single judge's order,

confirming that the custody of the minor girl must remain with her natural parents.

DIVORCE



Divorce

6. Riya Suralkar v. Rahul Suralkar, 2025:BHC-AS:45841-DB

Court: High Court of Bombay

Coram: Justice Revati Mohite Dere and Justice Sandesh D. Patil, JJ.

Date: 17 October 2025

Facts:

The appellant-wife challenged an *ex-parte* judgment and decree dated 05 November 2024, passed by the Family Court, Thane. The Family Court had dissolved her marriage, which was solemnized under the Special Marriage Act, 1954, on the husband's petition alleging cruelty. The wife had initially appeared before the Family Court but failed to file her written statement within the prescribed time, leading the court to proceed *ex-parte*. The Family Court granted the divorce, stating in its order that the *only* reason for allowing the petition was that the husband's testimony had gone unchallenged. Critically, during the pendency of the wife's appeal before the High Court, the husband remarried.

Issues:

1. Whether a Family Court can grant a divorce decree *ex-parte* merely because the respondent-wife was absent and the petitioner-husband's testimony went unchallenged?

2. Whether the subsequent remarriage of the husband during the pendency of the appeal bars the Court from quashing a perverse or legally unsound divorce decree?

Ratio Decidendi:

The High Court's ratio was a strong admonishment against the casual and mechanical approach of Trial Courts in matrimonial matters, reinforcing the independent duty of the court to assess the merits of a case.

Duty of Court in *Ex-Parte* Proceedings: The Court held that the Trial Court was completely oblivious to the legal position. It ruled that merely because a proceeding is *ex-parte*, it cannot be decreed automatically. The petitioner's contentions cannot be accepted as gospel truth.

Independent Application of Mind: Relying on the Supreme Court in *Balraj Taneja v. Sunil Madan* ((1999) 8 SCC 396), the Bench held that it was incumbent upon the Trial Court to record its findings based on the evidence and analysed the husband's evidence on its own merits. The Trial Court's cryptic and unreasoned order, which admitted that the *only* reason for the decree was the wife's absence, demonstrated a clear failure to apply its mind.

Remarriage Not a Bar to Appeal: The Court explicitly held that the husband's remarriage during the appeal's pendency would not deter it from setting aside the judgment. It found the impugned judgment to be perverse and contrary to settled legal principles, and the husband's subsequent act of remarriage could not be used as a shield to protect a legally unsound decree.

Conclusion:

The High Court allowed the wife's appeal and quashed and set aside the impugned judgment and decree of the Family Court. The divorce petition was restored to the file of the Family Court, and the matter was remitted for a fresh hearing on merits. The wife was permitted to file her written statement, and the Family Court was directed to decide the case expeditiously, preferably within nine months.

7. Rita Raj v. Pabitra Roy Chaudhuri, 2025 SCC OnLine Del 6525

Court: High Court of Delhi

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

Date: 17 October 2025

Facts:

The appellant-wife, a Group 'A' officer in the Indian Railway Traffic Service (IRTS), filed an appeal under Section 19 of the Family Courts Act, 1984. She challenged a judgment dated 31 August 2023, by which the Principal Judge, Family Court, had dissolved her marriage with the respondent-husband (an Advocate) on the ground of cruelty under Section 13(1)(ia) of the Hindu Marriage Act, 1955. This was the second marriage for both parties, solemnized on 25 January 2010. No children were born from this union. The parties cohabited for a short period and separated on 08 March 2011. The husband filed for divorce on 19 July 2011. The Family Court, after a full trial, granted the divorce, finding the husband's allegations of cruelty to be established.

Issues:

1. Whether the Family Court erred in its appreciation of the evidence and in finding that the appellant-wife had inflicted cruelty upon the respondent-husband?

Ratio Decidendi:

The High Court, after re-appreciating the evidence on record, affirmed the Family Court's findings. The judgment, authored by Justice Harish Vaidyanathan Shankar, reiterated the broad, non-codified nature of cruelty.

Definition of Cruelty: The Court noted that the word cruelty is not defined in the Hindu Marriage Act, 1955. It has been used in the Act in the context of human conduct or behaviour in relation to or in respect of matrimonial duties or obligations. It is a course of conduct of one spouse which adversely affects the other.

Factual Affirmation: The Division Bench reviewed the facts on record, including the short duration of the marriage (less than 14 months), the high educational and professional status of both parties, and the nature of the allegations and counter-allegations.

No Perversity in Finding: The Bench concluded that the Family Court's judgment was based on a proper appreciation of the evidence. It found no perversity or illegality in the Trial Court's finding that the wife's conduct and behavior, as established on record, adversely affected the husband and amounted to mental cruelty.

Conclusion:

The High Court found no merit in the appeal and dismissed it. The judgment and decree of the Family Court dated 31 August 2023, dissolving the marriage on the ground of cruelty, were upheld.

DOMESTIC VIOLENCE



Domestic Violence Act, 2005

8. V. Krishnamma & Ors. v. Garima Bais, SLP(Crl.) No. 9534/2025

Court: Supreme Court of India

Coram: Justice Rajesh Bindal

Date: 28 October 2025

Facts: The appellants challenged an order of the High Court of Madhya Pradesh (Indore Bench) dated 10 December 2024. The appellants had filed a petition before the High Court under Section 482 of the Code of Criminal Procedure, 1973 (CrPC) (equivalent to Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023), seeking to quash the entire proceedings initiated against them by the respondent under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (D.V. Act). The High Court dismissed their quashing petition, holding that such a petition was not maintainable against proceedings under the D.V. Act. The appellants appealed this dismissal to the Supreme Court.

Issues:

1. Whether a petition filed under Section 482 CrPC (or Section 528 BNSS) seeking to quash proceedings under Section 12 of the D.V. Act is legally maintainable?

Ratio Decidendi:

The Supreme Court's reasoning was brief and definitive, settling the disputed legal position by relying on its own binding precedent.

Issue is *Res Integra*: The Court noted that the legal position on this issue was not in dispute between the parties and was, in fact, well settled by a previous judgment of the Supreme Court.

Binding Precedent: The Bench explicitly cited its own judgment in *Shaurabh Kumar Tripathi v. Vidhi Rawal*, wherein it was definitively opined that the petition under Section 482 of the Cr.P.C. challenging proceedings emanating from Section 12(1) of the D.V. Act is maintainable.

High Court Order Legally Unsustainable: In light of this binding precedent, the Supreme Court held that the view expressed by the High Court holding the quashing to be not maintainable, cannot be legally sustained.

Conclusion:

The Supreme Court allowed the appeal and set aside the impugned order of the High Court affirming petitions under Section 528 BNSS (formerly Section 482 CrPC) to quash Domestic Violence Act proceedings are legally maintainable. The matter was remitted back to the High Court for fresh consideration *on merits*. The parties were directed to appear before the High Court on 11 November 2025.

9. Manju Arora v. Neelam Arora, 2025 DHC 9456-DB

Court: High Court of Delhi

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

Date: 30 October 2025

Facts:

The appellant (daughter-in-law) challenged a Single Judge's decree of mandatory injunction which had directed her to vacate the property owned by her parents-in-law (respondents). The parents-in-law, senior citizens, were the undisputed and absolute owners of the self-acquired property. Due to a strained matrimonial relationship between the appellant and her husband (the respondents' son), multiple proceedings, including under the D.V. Act, were pending. The parents-in-law filed a civil suit for eviction, alleging that cohabitation had become unbearable and detrimental to their peace and dignity. The Single Judge decreed the suit but, in compliance with Section 19(1)(f) of the D.V. Act, directed the parents-in-law to provide suitable alternate accommodation for the daughter-in-law (rent up to ₹65,000 per month). The daughter-in-law appealed, claiming an indefeasible statutory right to reside in the shared household.

Issues:

1. Whether a daughter-in-law's right to residence in a shared household under the D.V. Act is an absolute right that can subordinate the right of her senior citizen in-laws to live peacefully in their *own* self-acquired property?

2. How should the court balance the daughter-in-law's right under Section 17 of the D.V. Act with the owner's right to property, especially when the in-laws are senior citizens?

Ratio Decidendi:

The High Court's judgment provides a nuanced balancing of the two competing rights, holding that the D.V. Act's protection is not intended to be a tool for oppression of the lawful owners.

Senior Citizens' Right Not Subordinate: The Court laid down a significant principle: the senior citizens' right to live peacefully with dignity in their own home could not be subordinated to the residence right of the daughter-in-law.

Balancing of Rights: The Court held that while the D.V. Act confers a vital and protective right, it cannot be construed to extinguish or indefinitely suspend the right of senior citizens to live without distress in their own home. When these rights intersect, a delicate balance must be struck.

Right of Occupation, Not Ownership: The Court clarified that the right of residence under Section 17 is a right of occupation and not ownership and is therefore not indefeasible.

Alternate Accommodation as a Remedy: The Court affirmed that the daughter-in-law's statutory right was fully safeguarded by the Single Judge's direction to provide suitable alternate accommodation, as provided for under Section 19(1)(f) of the D.V. Act. This provision ensures safety and stability, not an entitlement to

occupy a large family home at the cost of the lawful owners. The Court clarified that the Act guarantees adequacy of residence, not parity of luxury.

Conclusion:

The High Court dismissed the daughter-in-law's appeal and upheld the Single Judge's judgment. It affirmed that the daughter-in-law's right to residence was not absolute and was adequately protected by the provision of fair alternate accommodation, thereby securing the senior citizen owners' right to live peacefully in their own property.