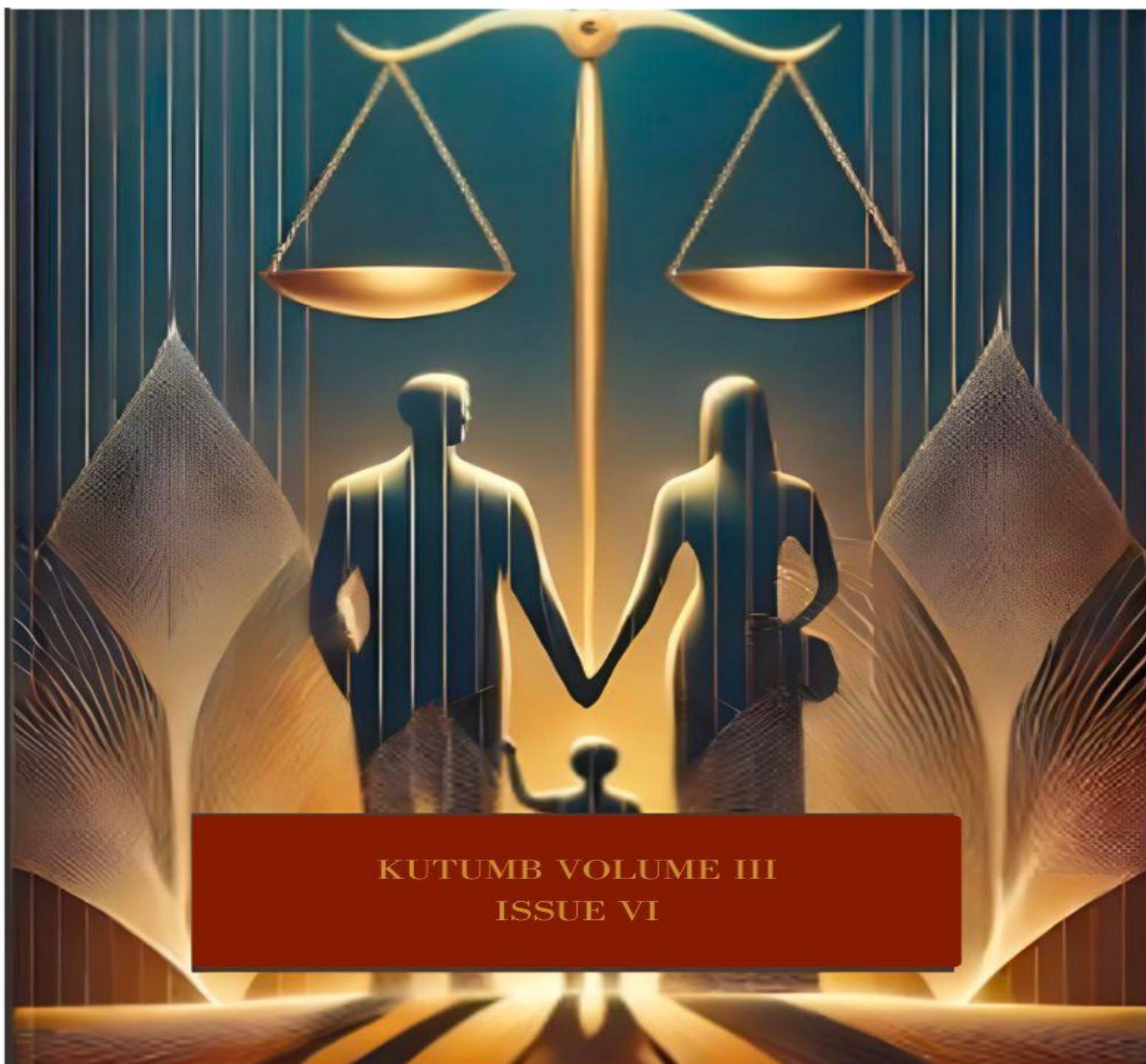


॥ न्यायस्तत्र प्रमाणं स्यात् ॥

NU
DELHI



KUTUMB VOLUME III
ISSUE VI

Editorial Board

Editor-in-Chief:

Prof. (Dr) Anju Tyagi

Senior Editors:

Dristant Gautam

Arnav Roy

Editors:

Ankit Yadav

Ayush Singhal

Garima Rajnish

Design Editors:

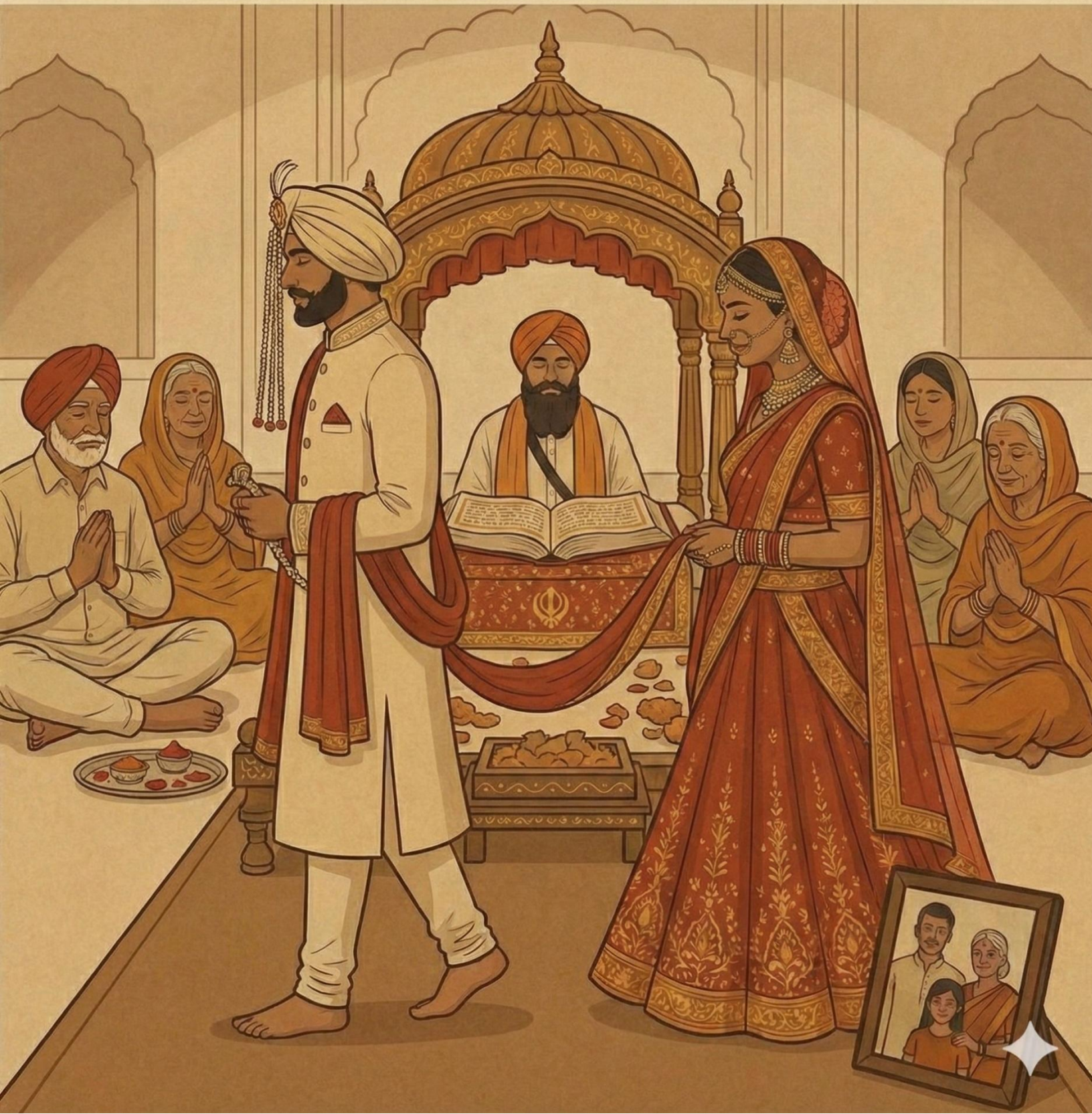
Ankit Yadav

Garima Rajnish

Table of Contents

Marriage.....	5
1. Amanjot Singh Chadha v. Union of India, 2025 SCC OnLine SC 2017	5
Divorce	9
2. X v. Y 2025 SCC, OnLine Bom 3324.....	9
Maintenance	15
3. G. Debendra Rao v. G. Puspa Prabha Rao, 2025 SCC OnLine Ori 3571...15	
4. Ravi Prakash Saxena v. Priyanka Rani, 2025 SCC OnLine Pat 2793.....19	
5. Rinki Chakraborty Nee Das v. State of West Bengal, 2025 SCC OnLine Cal 7647	23
Alimony	28
6. Vandana Kumari v. Greesh Babu Mathur, 2025 SCC OnLine Jhar 3141..28	
Succession	32
7. Sudha Tomar v. Neha Tomar, 2025 SCC OnLine MP 6482	32
Guardianship.....	36
8. Pravin Parghi v. State of Maharashtra, 2025 SCC OnLine Bom 3100.....36	
Maintainability in Family Law Proceedings:.....	41
9. Ashish v. Mohini, 2025:BHC-NAG:9202.....	41
10. Kamalkant Mishra v. Additional Collector, 2025 SCC OnLine SC 2077 44	

MARRIAGE



Marriage

1. Amanjot Singh Chadha v. Union of India, 2025 SCC OnLine SC 2017

Court: High Court of Allahabad (Division Bench)

Coram: Justice Vikram Nath and Justice Sandeep Mehta

Date: 4 September 2025

Facts:

The petitioner filed a public interest litigation under Article 32 of the Constitution, seeking directions for the States and Union Territories (UTs) to frame and notify rules under Section 6 of the Anand Marriage Act, 1909. This section was inserted by a 2012 amendment to facilitate the registration of marriages solemnized by the Sikh rite of Anand Karaj.

The petitioner highlighted that while some states had notified these rules, many had not, creating an uneven and discriminatory landscape where Sikh citizens across India lacked uniform access to a statutory facility intended for their benefit. This lack of a registration mechanism deprived individuals of a marriage certificate, a crucial document for proving marital status for purposes like inheritance, insurance, and claiming legal protections.

Issues:

The Court framed the following key issues:

1. Whether the Supreme Court should, in exercise of its jurisdiction under Article 32, direct time-bound rulemaking by States/UTs under Section 6 of the Anand Marriage Act?

2. What interim measures should be put in place to ensure Sikh couples can register their Anand Karaj marriages in states where the specific rules have not been notified?

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. **Statutory Duty is Mandatory and Non-Discretionary:** The Court held that Section 6 of the Act is "cast in the imperative" and imposes a positive, non-discretionary duty on every State Government to create a workable registration machinery. This duty is not contingent on the size of the Sikh population in a state and cannot be deferred indefinitely because other general marriage laws exist in parallel.
2. **Registration is a Facet of Equal Treatment and Dignity:** The Court emphasized that a marriage certificate is not a mere formality but a vital document that "enables proof of status for residence, maintenance, inheritance, insurance, succession and the enforcement of monogamy." The unequal access to this statutory facility across states produced unequal outcomes for similarly situated citizens, violating the secular framework that must respect religious identity while ensuring civic equality.
3. **Interim Relief to Prevent Discrimination:** Pending the framing of specific rules, the Court laid down a crucial interim measure. It directed that in states where Section 6 rules are not notified, the existing general marriage registration framework must receive and process applications for Anand

Karaj marriages without discrimination. Furthermore, upon the request of the parties, the marriage certificate must record that the ceremony was performed by the Anand Karaj rite.

Conclusion:

The Supreme Court allowed the petition and issued a series of binding directions:

1. **Rulemaking:** All States/UTs that had not notified rules under Section 6 were given four months to do so.
2. **Interim Registration:** With immediate effect, all states must register Anand Karaj marriages under their prevailing marriage laws and record the rite in the certificate.
3. **No Duplicate Registration:** Once registered under the Anand Marriage Act, no authority can insist on registration under any other law.
4. **Nodal Officers:** States were directed to appoint Secretary-level nodal officers to ensure compliance.
5. **Model Rules:** The Union of India was directed to circulate model rules and file a consolidated compliance report within six months.

The judgment ensures that the legislative promise of the 2012 amendment is fulfilled, securing for Sikh citizens across India the right to officially document their marriages and access associated legal benefits.

DIVORCE



Divorce

2. X v. Y 2025 SCC, OnLine Bom 3324

Court: High Court of Bombay (Division Bench)

Coram: Nitin B. Suryawanshi and Sandipkumar C. More, JJ.

Date: 22 September 2025

Facts:

The appellant-husband filed a writ petition challenging the dismissal of his divorce petition by the Family Court. The marriage between the parties was solemnised on 28 April 2018. Soon after the commencement of cohabitation, the husband began to observe serious health and behavioural issues in his wife. According to him, she would sleep for unusually long durations, urinate in bed, lose consciousness frequently, and was incapable of performing daily chores. He also stated that she responded abnormally in conversations and could not fulfil marital obligations.

Concerned by these manifestations, he had his wife examined by a doctor and subsequently sought a second medical opinion. Both doctors informed him that the wife was suffering from cerebral palsy, an incurable congenital disorder that affects brain development. The husband asserted that this fact was never disclosed to him before the marriage, and upon learning of it, he felt deceived by the wife and her family.

In the same year, the wife left the matrimonial home and returned to her parental residence. The husband issued a notice seeking divorce, but was dissatisfied with

her response. Consequently, he filed a divorce petition on 13 November 2018 under:

- Section 13(1)(ia) – Cruelty; and
- Section 13(1)(iii) – Incurable mental disorder under the Hindu Marriage Act, 1955.

The wife, in defence, contended that she had disclosed before marriage that she had weakness in her hands since birth but was mentally fit and capable of discharging marital obligations. She also asserted that it was a relative of the husband who had brought the proposal, and there was no concealment.

The Family Court dismissed the husband's divorce petition on the grounds that:

1. There was insufficient evidence to establish cruelty.
2. The husband had not submitted adequate medical documentation.
3. The husband had admitted that the wife was not violent.
4. There was no incident conclusively suggesting mental illness.
5. Cerebral palsy affected bodily movement only, not mental capacity.

Aggrieved by this dismissal, the husband filed the present writ petition before the Bombay High Court.

Issues:

1. Whether suppression of an incurable condition such as cerebral palsy by the wife's family prior to marriage entitled the husband to annulment or divorce.

2. Whether the Family Court erred in holding that cerebral palsy affected only bodily movement and did not amount to intellectual impairment or mental disorder.
3. Whether the refusal or failure to disclose a serious congenital condition constituted valid grounds for nullity under Section 12(1)(c) of the Hindu Marriage Act.
4. Whether the husband's evidence and the medical certificate were sufficient to prove suppression and incapacity to perform marital obligations.

Ratio Decidendi:

The High Court relied on *Firm Srinivas Ram Kumar v. Mahabir Prasad*, 1951 SCC 136, to hold that even though the petition was styled under Sections 13(1)(ia) and 13(1)(iii), the husband was entitled to relief under Section 12(1)(c) (fraud and concealment), since less than one year had passed since marriage at the time of filing.

The Court observed:

1. The wife did not lead any evidence in rebuttal and avoided cross-examination, despite denying mental illness.
2. She admitted having lifelong health issues, contrary to her claim of full fitness.
3. The Family Court erred in observing that she voluntarily agreed to medical examination; she initially opposed it and only later consented.

Significantly, the Court examined the medical certificate issued by the Medical Board of a Government Medical College, which clearly recorded that:

- The wife had a non-progressive mild intellectual deformity caused by cerebral palsy.
- She required a supportive environment for adaptive functioning.
- Her condition was congenital and incurable.

Therefore, the Family Court's conclusion that cerebral palsy affected only bodily movements was held to be "acutely incorrect." Moreover, the Bench held that suppression of such a condition prior to marriage, especially when the marital cohabitation lasted only 6–7 months and the wife was incapable of performing marital duties, entitled the husband to a decree of nullity under Section 12(1)(c). The Court stressed that the Family Court failed to consider the effect of non-disclosure of an incurable disorder, which directly impacts marital life.

Conclusion:

The High Court held that the Family Court erred in dismissing the husband's petition. It:

1. Quashed and set aside the impugned order of the Family Court.
2. Declared the marriage null and void under Section 12(1)(c) of the Hindu Marriage Act.
3. Recognised that cerebral palsy, in this case, involved intellectual impairment and incapacity to fulfil marital obligations.

4. Held that suppression of the disease by the wife's family constituted a valid ground for annulment.

Thus, the appeal was allowed in favour of the husband.

MAINTENANCE



Maintenance

3. G. Debendra Rao v. G. Puspa Prabha Rao, 2025 SCC OnLine Ori 3571

Court: High Court of Orissa

Coram: Justice G. Satapathy

Date: 16 September 2025

Facts:

The revision petition was filed by the petitioner-husband challenging an order of the Family Court, Bargarh, which had directed him to pay maintenance of ₹5,000 per month each to his first wife (Opposite Party No. 1) and their daughter (Opposite Party No. 2), totaling ₹10,000 per month, effective from March 2012.

The parties were married in 2001 and had a daughter. The matrimonial relationship broke down, with the wife alleging dowry demands, which led her to report the matter to the Mahila Sammittee. The husband deserted the wife and daughter in 2004. He subsequently filed for divorce, which was granted by an ex-parte decree in 2007. The wife's attempts to set aside this decree were initially dismissed for default, and she filed a subsequent petition which was pending.

While the challenge to the divorce decree was ongoing, the wife and daughter filed an application under Section 125 CrPC for maintenance. The wife claimed the husband was an Advocate with a substantial income from his legal practice, a Hero Honda showroom, and house rent, totaling around ₹1.7 lakhs per month.

The husband admitted the relationship but contested the maintenance claim. His primary defenses were:

1. The wife was well-qualified (holding an MA and LLB degree) and was earning more than him as a LIC agent and private school teacher.
2. She had voluntarily deserted him without cause.
3. He had no significant income and had financial obligations towards his mother and younger brothers.

The Family Court rejected his contentions and granted maintenance. The husband then filed the present revision petition before the High Court.

Issues:

The Orissa High Court framed and addressed the following key legal issues:

1. Whether a wife, who is highly qualified and possesses professional degrees, can be denied maintenance under Section 125 CrPC on the presumption that she is intentionally avoiding employment to burden the husband?
2. Whether the husband's second marriage provides a valid legal ground for the first wife to live separately, thereby negating the husband's plea of "voluntary desertion"?
3. Whether an unmarried adult daughter is entitled to maintenance under Section 125 CrPC, and how does this right interact with the provisions of the Hindu Adoptions and Maintenance Act, 1956 (HAMA)?
4. Whether the maintenance amount of ₹5,000 per month awarded to each claimant was justified based on the husband's income and the standard of living?

Ratio Decidendi:

The Court's reasoning, which forms the core of its legal decision, is as follows:

1. **High Qualifications Do Not Automatically Disqualify a Wife from Maintenance:** The Court delivered a significant principle, emphasizing that "it could not have universal application in all cases that a wife with high qualification was intentionally avoiding work to harass the husband and saddle him with liability, unless there was material evidence to that effect." The burden of proof lies on the husband to provide concrete evidence of the wife's actual income. Merely pointing to her qualifications is insufficient. In this case, the husband failed to produce any documents or evidence to substantiate his claim regarding the wife's income. The Court noted that while the wife was an Advocate, her status as a legal professional did not guarantee a handsome income, and the husband had not proven she was a "serious practitioner" with substantial earnings.
2. **Second Marriage Negates the Plea of "Voluntary Desertion":** The Court rejected the husband's argument that the wife had voluntarily deserted him. It invoked Explanation (b) to Sub-section (3) of Section 125 CrPC, which stipulates that if a husband contracts another marriage, it is a valid ground for the wife to live separately without forfeiting her right to maintenance. Since the husband had admitted to marrying a second time, the first wife was legally justified in living apart, and her separate residence could not be construed as "voluntary desertion" without cause.

3. **Right of an Unmarried Adult Daughter to Maintenance:** The Court addressed an apparent conflict between Section 125 CrPC and HAMA. Under a literal interpretation of Section 125 CrPC, a daughter's right to maintenance ceases upon attaining majority. However, the Court referred to Section 20(3) of HAMA, which imposes a continuous obligation on a Hindu to maintain an unmarried daughter, provided she is unable to maintain herself. The Court harmonized these provisions, affirming that the daughter's right to maintenance persists beyond majority under HAMA, contingent upon her inability to support herself. The Court confirmed that the daughter in this case, being unmarried and without sufficient independent means, was entitled to maintenance from her father.
4. **Maintenance Must be Commensurate with the Husband's Standard of Living:** The Court affirmed the principle that maintenance is not merely for survival but is intended to ensure that the wife and children can live a life commensurate with the standard of living of the husband/father. After examining the husband's Income Tax Returns for three consecutive years (2016-2019), the Court concluded that he had sufficient income. In light of the contemporary cost of living and the wife's stated monthly expenses of ₹7,000-₹8,000, the Court held that the award of ₹5,000 per month to each claimant was neither exorbitant nor excessive but was, in fact, reasonable and justified.

Conclusion:

The High Court dismissed the husband's revision petition. It upheld the Family Court's order dated 23-12-2019, thereby confirming the direction for the husband to pay maintenance of ₹5,000 per month to his first wife and ₹5,000 per month to their unmarried daughter. The Court reinforced that the right to maintenance is a substantive right meant to prevent vagrancy and is to be adjudicated based on evidence of actual income and need, not on presumptions about a claimant's qualifications. The daughter's right to maintenance was confirmed to continue until her marriage.

4. Ravi Prakash Saxena v. Priyanka Rani, 2025 SCC OnLine Pat 2793

Court: High Court of Patna

Coram: Justice Bibek Chaudhuri

Date: 4 September 2025

Facts:

The petitioner-husband filed a criminal revision petition challenging a final maintenance order dated 24-05-2024 passed by the Principal Judge, Family Court. The order had directed him to pay a maintenance allowance of ₹20,000 per month to the respondent-wife.

The parties met through a matrimonial site, and this was the wife's second marriage following a divorce. The husband's case was that at the time of the dissolution of her first marriage, the wife had received a substantial final settlement of ₹40 lakhs

as alimony. He contended that this provided her with an independent source of income and sufficient means to maintain herself.

The husband leveled several serious allegations against the wife:

1. **Fraudulent Marriage:** He alleged that she suppressed the fact of her previous marriage and swore a false affidavit at the time of their marriage, declaring herself to be unmarried.
2. **Financial Duplicity:** He accused her of having a habit of "duping young men to earn large sums of money through alimony or maintenance."
3. **Refusal to Cohabit and Mental Health:** He claimed she refused to cohabit with him, abused his parents, and suffered from Obsessive Compulsive Disorder (OCD) with suicidal tendencies.
4. **Qualifications and Earning Capacity:** He pointed out that she was highly qualified, holding an M.Sc. in Botany and a diploma in Japanese, and was capable of earning a decent living.

The wife, in her counter-affidavit, denied all allegations. She claimed that she had handed over the entire ₹40 lakhs from her previous divorce settlement to the husband on his demand. She also alleged that he had demanded a dowry of ₹15 lakhs, subjected her to physical and mental torture leading to an abortion, and that these circumstances forced her to file for maintenance under Section 125 CrPC on 09-03-2021. Subsequently, she also lodged a criminal complaint under Sections 498A, 315, and 34 of the IPC and the Dowry Prohibition Act, which led to the husband's arrest.

Issues:

The Patna High Court framed and addressed the following key legal issues:

1. Whether the Family Court committed a fundamental error by failing to ensure and consider comprehensive disclosure of assets and liabilities from both parties, as mandated by Supreme Court precedents?
2. Whether the respondent-wife's alleged independent income, assets (specifically the ₹40 lakhs alimony), and earning capacity were adequately considered by the Trial Court in determining the quantum of maintenance?
3. Whether the respondent-wife's conduct, including the alleged suppression of her previous marriage and her financial status, could disentitle her to maintenance or affect its quantum?
4. Whether the maintenance order was sustainable without a balanced assessment of the parties' respective financial positions, needs, and status?

Ratio Decidendi:

The Court's reasoning, which forms the core legal principle of this judgment, heavily relies on the procedural and substantive guidelines laid down by the Supreme Court for maintenance cases:

1. **Mandatory Requirement of Financial Disclosure Affidavits:** The Court placed paramount importance on the Supreme Court's judgment in *Rajnesh v. Neha* (2021), which mandates the filing of affidavits disclosing assets, liabilities, income, and expenses by both parties in maintenance proceedings. The High Court held that the Family Court failed in its "statutory obligation" to direct the parties to file such affidavits. This failure was a critical

procedural flaw that prevented a fair and informed assessment of the parties' true financial circumstances.

2. **Critical Assessment of the Wife's Independent Means:** The Court emphasized that a wife's right to maintenance is not absolute but is contingent on her inability to maintain herself. Relying on *Jasbir Kaur Sehgal v. Distt. Judge, Dehradun* (1997), the Court reiterated that the wife's income, assets, and earning capacity are crucial factors in determining the quantum of maintenance. The respondent-wife, despite being highly qualified, claimed to have no income. Furthermore, the Court found that she had suppressed the receipt of ₹40 lakhs in alimony in her marriage affidavit. The Trial Court's own disbelief in her claim of having given this money to the husband implied that she likely still retained the funds. The High Court held that this substantial asset, capable of generating significant interest income, was a material fact that the Family Court failed to properly consider.
3. **Concealment of Material Facts Can Disentitle a Claimant:** The Court referred to the principle in *S.P. Chengalvaraya Naidu v. Jagannath* (1994), noting that a party who approaches the court must do so with clean hands. The respondent's concealment of her previous marriage and the alimony amount was seen as a suppression of material facts. The judgment implies that such conduct can "disentitle" a claimant, as the court relies on bona fide disclosures to adjudicate the maintenance amount fairly.
4. **Remand for a Fresh, Evidence-Based Determination:** The Court concluded that the Family Court's order suffered from "impropriety and

illegality" because it overlooked the suppression of material facts, the parties' actual income, their assets and liabilities, and other relevant factors. Consequently, the maintenance order was rendered unsustainable. Instead of deciding the quantum itself, the High Court set aside the order and remanded the matter back to the Family Court with a specific directive to first ensure both parties file detailed affidavits of their assets and liabilities. Only after a proper consideration of this comprehensive financial disclosure should the Family Court pass a fresh, reasoned judgment on the maintenance application.

Conclusion:

The Patna High Court allowed the husband's revision petition. It quashed and set aside the maintenance order dated 24-05-2024. The Court directed the Principal Judge, Family Court, to re-adjudicate the wife's application under Section 125 CrPC afresh. The Family Court was instructed to first direct both parties to file affidavits of their assets, liabilities, income, and expenses. Following a consideration of these disclosures, the Family Court was to pass a new judgment on the merits, ensuring a balanced assessment of all statutory factors, within a period of four weeks. This judgment reinforces the procedural rigor required in maintenance cases and underscores that maintenance is a right grounded in demonstrable need, not an automatic entitlement.

5. Rinki Chakraborty Nee Das v. State of West Bengal, 2025 SCC OnLine Cal 7647

Court: High Court of Calcutta

Coram: Justice Dr. Ajoy Kumar Mukherjee

Date: 12 September 2025

Facts:

The petitioner-wife challenged a Family Court order that rejected her application for maintenance under Section 125 CrPC. The parties had a registered marriage in 2012, but the wife never resided in her matrimonial home. Despite this, they cohabited at her paternal home, consummating the marriage. The husband and his family later refused to accept her, pressuring her for a divorce.

The wife filed for maintenance in 2014. An interim order directed the husband to pay ₹4,000 per month, which was upheld up to the Supreme Court. However, after a full trial in 2023, the Family Court dismissed her final maintenance claim. The court relied on two key points: the wife's monthly income of ₹12,000 and the husband's claim of being unemployed since 2014 after being dismissed from his job.

Issues:

The Court framed the following key issues:

1. Whether a wife's meagre income automatically disqualifies her from receiving maintenance under Section 125 CrPC?
2. Whether a husband can avoid his maintenance obligation by claiming unemployment, especially when it is self-induced?
3. What is the standard of living a wife is entitled to through maintenance?

Ratio Decidendi:

The High Court's decision established clear principles regarding the purpose and application of maintenance laws.

1. **Maintenance Ensures Status, Not Mere Survival:** The Court delivered a pivotal principle, holding that "the object of Section 125 CrPC was to ensure sustenance at the same status and strata as the husband, not mere animal sustenance." A wife's entitlement is to live a life of dignity commensurate with the standard of living she would have enjoyed in her matrimonial home. The wife's income of ₹12,000 was for basic survival and did not meet this standard, especially since the husband admitted his family enjoyed a higher economic status.
2. **Self-Induced Unemployment is Not a Valid Defense:** The Court held that a husband cannot evade his legal duty by claiming to be unemployed if he is an "able-bodied young man capable of earning." The husband's dismissal due to his own "default irregularity" was a wilful act that did not constitute "not having sufficient means" under the law. The obligation to maintain a wife persists as long as the husband has the capacity to work and earn.
3. **Husband's Legal and Moral Duty is Paramount:** The Court emphasized that the husband's responsibility to maintain his wife is a fundamental social, legal, and moral duty. The mere fact that the wife was forced to earn a small amount to survive after being excluded from her matrimonial home could not be used to absolve the husband of this primary obligation.

Conclusion:

The High Court allowed the wife's petition. It set aside the Family Court's order, branding it as "speculative and legally unsustainable." The Court directed the husband to pay the wife permanent maintenance of ₹4,000 per month, effective from the date of her original application. Any arrears were to be cleared in twelve installments by 31-10-2026. This ruling reinforces that maintenance is a right to a dignified life consistent with the husband's status, not merely a subsidy for survival.

ALIMONY



Alimony

6. Vandana Kumari v. Greesh Babu Mathur, 2025 SCC OnLine Jhar 3141

Court: High Court of Jharkhand (Division Bench)

Coram: Justice Sujit Narayan Prasad and Justice Arun Kumar Rai

Date: 4 September 2025

Facts:

The appellant-wife and respondent-husband were married in 2007 and had two daughters. They separated in 2012, and the husband obtained an ex-parte divorce decree. The wife, not challenging the divorce itself, appealed solely for permanent alimony for their two daughters.

The wife, a government teacher with a monthly salary of ₹85,270, argued she incurred approximately ₹50,000 monthly on the children's expenses. She disclosed that the husband, a Chief Loco Inspector in the Indian Railways, had a substantial salary (₹78,800 plus 53% Dearness Allowance and other perks) and owned property. The husband, however, failed to disclose his exact salary in his affidavit. While claiming a loan liability of ₹28 lakhs, he offered to provide only ₹5 lakhs for each daughter via a fixed deposit.

Issues:

The Court framed the following key issues:

1. Whether the husband's failure to fully disclose his financial status should impact the assessment of his capacity to pay alimony?
2. What constitutes a just and comprehensive quantum of permanent alimony for two daughters, considering their future needs, including higher education and marriage?

Ratio Decidendi:

The Court's reasoning was grounded in the principle that child support is a shared parental duty aimed at ensuring the child's well-being and financial security, not a penalty.

1. **Adverse Inference from Non-Disclosure:** The Court condemned the husband's conduct in deliberately withholding his salary slips despite being a government employee on a high post. This failure to provide full financial disclosure led the Court to draw an adverse inference against him, treating it as a lack of bona fides.
2. **Comprehensive Assessment of Child's Needs:** Relying on precedents like *Pravin Kumar Jain v. Anju Jain*, the Court emphasized that alimony must cover all aspects of a child's life to maintain the standard they would have enjoyed had the marriage not dissolved. This includes not just basic necessities (food, shelter, clothing, education, healthcare) but also extracurricular activities and, significantly for daughters in the societal context, marriage expenses. The Court held that the husband's offer of ₹10

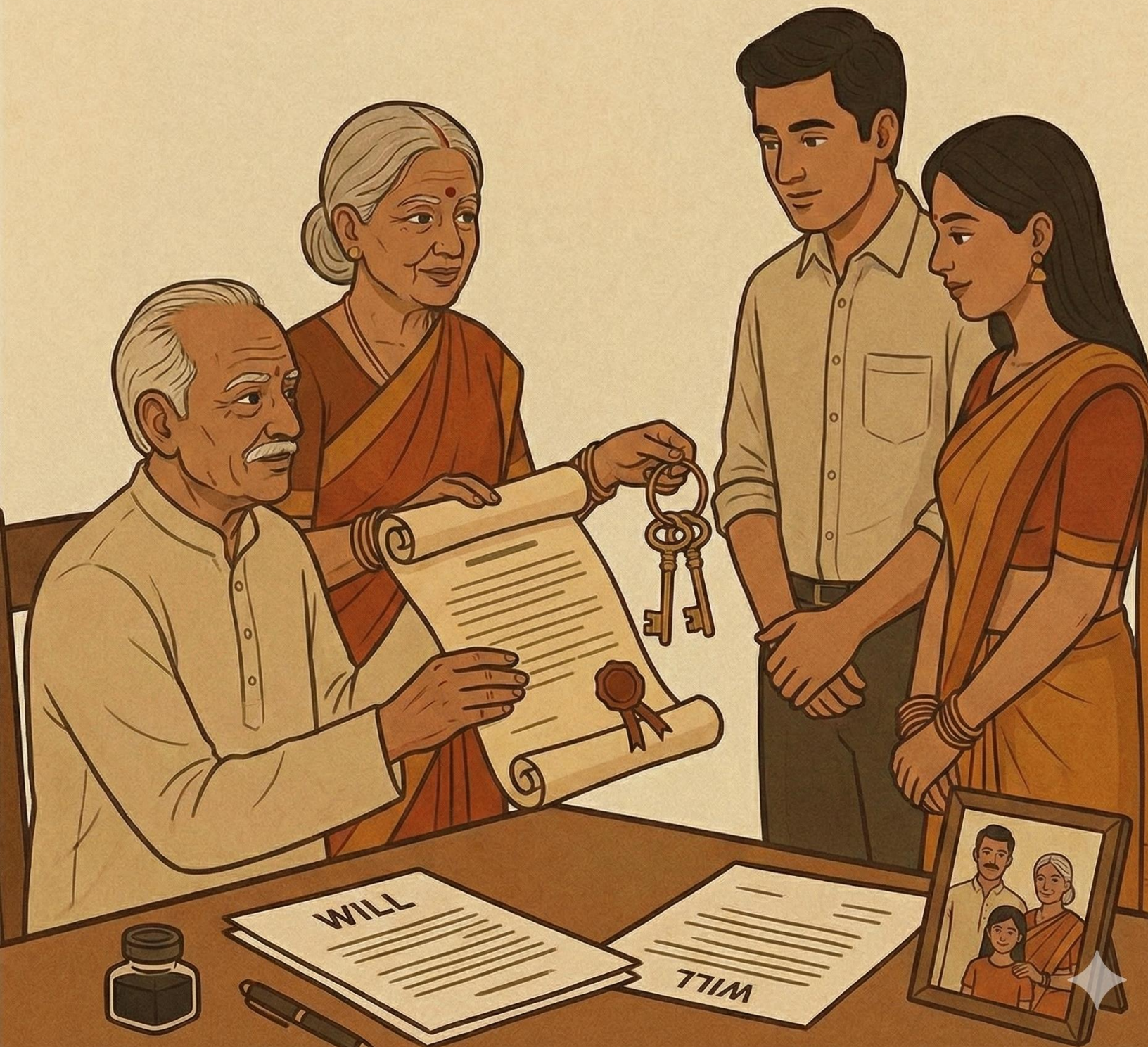
lakhs total was insufficient against this comprehensive benchmark and his own financial capacity.

3. **Father's Duty is Independent of Mother's Income:** The Court clarified that a father's obligation to maintain his children is paramount and not diminished by the mother's income. The wife's financial stability did not absolve the husband of his fundamental duty to provide for his daughters' present and future.

Conclusion:

The High Court allowed the appeal in part. It set aside the inadequate offer and directed the husband to pay a total of ₹40,00,000 as permanent alimony (₹20,00,000 for each daughter). This amount was to be deposited within four months into two separate fixed deposit accounts, jointly held by the mother and each daughter, to be used for their higher education and marriage. The Court affirmed that the order's purpose was the daughters' welfare and financial security.

SUCCESSION



Succession

7. Sudha Tomar v. Neha Tomar, 2025 SCC OnLine MP 6482

Court: High Court of Madhya Pradesh

Coram: Justice G.S. Ahluwalia

Date: 3 September 2025

Facts:

The case involved a succession dispute following the death of a CRPF personnel in 2017. The deceased was married to the respondent-wife in 2016. After his death, both his widow and his mother (the petitioner) filed separate applications under Section 372 of the Indian Succession Act, 1925, for a succession certificate.

The Civil Court, in a common judgment, held that both the widow and the mother were entitled to a succession certificate for half of the deceased's property. The mother, aggrieved by this, filed an appeal which was dismissed, leading to the present revision petition.

The mother's primary contention was that since she and her husband (the deceased's father) were nominated as the beneficiaries in the deceased's service records, they were entitled to receive the entire service due to the exclusion of the widow.

Issues:

The Court framed the following key issues:

1. What is the legal status of a nominee? Does a nominee become the absolute owner of the property, or do they hold it in a fiduciary capacity for the legal heirs?
2. Whether the succession court, in proceedings for a succession certificate, can adjudicate on the disbursement of an ex-gratia payment already made to one heir?

Ratio Decidendi:

The Court's reasoning reaffirmed settled legal principles on the limited role of a nominee.

1. **Nominee is a Trustee, Not an Owner:** The Court relied on the Supreme Court precedents of *Sarbati Devi v. Usha Devi* (1984) and *Vishin N. Khanchandani v. Vidya Lachmandas Khanchandani* (2000). It reiterated the cardinal principle that "merely because a person has been made a nominee, he would not receive the benefits in his own personal and individual capacity, rather he would receive it as a trustee with liability to return the amount to those in whose favour the law creates a beneficial interest." A nomination merely facilitates the discharge of the debtor's (e.g., the employer's or insurer's) obligation. The ultimate distribution of the proceeds is governed not by the nomination, but by the law of succession applicable to the deceased. Therefore, the mother's claim to the entire amount based on her nominee status was rejected.
2. **Limited Scope of Succession Certificate Proceedings:** The Court clarified that proceedings under Section 372 of the Indian Succession Act are

summary in nature. Their purpose is to identify the persons legally entitled to the debts and securities of the deceased and to grant a certificate empowering them to collect those debts. It is not a forum for the comprehensive adjudication of title or for recovery of money already paid out. The Court held that if the mother believed she had a half-share in an ex-gratia amount of ₹25 lakhs that had already been paid to the widow, her remedy was to file a separate civil suit for recovery of that share. The revisional court under the Succession Act could not order such a repayment.

Conclusion:

The High Court dismissed the revision petition. It upheld the judgments of the courts below, confirming that the widow and mother were entitled to equal shares in the deceased's property as per the law of succession, irrespective of the nomination. The Court affirmed that no illegality was committed by the lower courts. However, it granted liberty to the mother to pursue her claim for a share in the already-disbursed ex-gratia payment and insurance maturity amount by filing an appropriate civil suit for recovery.

GUARDIANSHIP



Guardianship

8. Pravin Parghi v. State of Maharashtra, 2025 SCC OnLine Bom 3100

Court: High Court of Bombay (Division Bench)

Coram: Ravindra V. Ghuge and Gautam A. Ankhad, JJ.

Date: 4 September 2025

Facts:

The habeas corpus petition arose from a custody dispute involving five-year-old twins, born on 12 November 2019 through surrogacy to the petitioner-father and his wife. Among the twins, the daughter suffered from cerebral palsy.

The petitioner married on 6 December 2014. During the Covid-19 lockdown, disputes emerged between him and his parents. The petitioner initiated custody proceedings for his son before the Family Court. Meanwhile, his parents lodged a criminal complaint against him under Sections 115(2), 126(2), and 352 of the Bharatiya Nyaya Sanhita, 2023, as well as Section 24 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

In the custody proceedings, it was undisputed that the petitioner-father had custody of the twin son, while the twin daughter remained in the custody of her paternal grandmother. The petitioner issued multiple legal notices and complaints to the police seeking custody of his daughter, but the grandmother refused to hand her over. Consequently, he approached the High Court by way of a writ of habeas corpus, claiming unlawful deprivation of custody.

Issues:

1. Whether a writ of habeas corpus is maintainable in a child custody dispute involving a minor being held by a grandparent against the wishes of the biological parent.
2. Whether the paternal grandmother's emotional attachment to the child could justify retention of custody in preference to the claim of the biological father.
3. Whether the welfare of the child warranted transfer of custody to the petitioner, considering her medical condition and the existing family dynamics.

Ratio Decidendi:

The Court began by recognizing that custody matters are ordinarily governed by the Guardians and Wards Act, 1890, and fall within the jurisdiction of civil courts or family courts. However, it reiterated that in exceptional circumstances, writ jurisdiction may be invoked where there is unlawful detention of a minor, particularly when a natural guardian seeks restoration of custody.

The Court observed:

- The petitioner was the biological father and natural guardian, and there was no marital discord between him and the child's mother. Both parents lived together, and no allegations suggested they were unfit or estranged.

- The paternal grandmother, though emotionally attached to the granddaughter, could not claim a superior right over the biological parent. Emotional bonding does not override statutory guardianship.
- The father was employed with the Municipal Corporation of Greater Mumbai, demonstrating financial and practical capacity to care for his children. Thus, the grandmother's claim of his alleged incapacity was unfounded.
- The grandmother was 74 years old and had herself invoked legal remedies under the Senior Citizens Act to seek maintenance from her son. This weighed against her plea for custody.

The Court emphasized that the welfare of the child is a paramount consideration in any custody determination. It held that disputes between the petitioner and his parents could not serve as a ground to deprive a minor child of the care and guardianship of her natural parents.

It further clarified that the rights of biological parents can only be curtailed if there is a demonstrable risk or detriment to the minor's welfare, which was not present in this case. The refusal of the grandmother to hand over custody, despite repeated requests and legal notices, amounted to unjustified retention.

Conclusion:

The Court partly allowed the writ petition. It directed:

- The police to secure custody of the minor daughter from the grandmother and hand her over to the petitioner-father within two weeks.

- Recognizing the need for a smooth transition, the Court granted the grandmother visitation rights for the initial three months. She was permitted to visit the child at the father's residence from 9:00 a.m. to 6:00 p.m..
- Either party was given liberty to approach the Family Court for further directions if any difficulty arose during the transition.

Reaffirming principles of guardianship law, the Court held that an emotional bond does not supersede the legal rights of a biological parent, and the child's welfare is the overriding concern.

MAINTAINABILITY FAMILY LAW PROCEEDINGS



Maintainability in Family Law Proceedings:

9. Ashish v. Mohini, 2025:BHC-NAG:9202

Court: High Court of Bombay

Coram: Urmila Joshi Phalke, J

Date: 16 September 2025

Facts:

The case arose out of a domestic dispute concerning the right of residence in a shared household under the Protection of Women from Domestic Violence Act, 2005 (“the Act”). The non-applicant (Mohini), the legally wedded wife of the deceased brother of the applicant (Ashish), approached the Judicial Magistrate First Class (JMFC) under Section 12 of the Act after being denied residence in the matrimonial home.

The mother of both the applicant and the deceased had executed a Will dated 29-09-2004 bequeathing the ground floor to the applicant and the first floor to the deceased. The mother died on 05-02-2007. According to the non-applicant, after marriage she cohabited with her husband and his family in the shared household until March 2004, after which the couple temporarily relocated due to family disputes and later lived in rented premises. In 2007, the deceased began constructing the first floor of the house as per the Will, but he died in January 2008 before completion. After his death, the non-applicant and her minor son were refused entry to the property and were forced to reside in rented accommodation.

Despite issuing notices, no response was received from the applicant. The non-applicant alleged economic abuse and dispossession from the shared household and sought residence rights under the Act. The applicant denied that the non-applicant had ever resided in the shared household with the deceased and claimed that a divorce deed was executed on 05-07-2007. He also argued that since the Act came into force in 2005, it did not apply to alleged acts that occurred prior to its enactment.

The JMFC rejected the non-applicant's application on 07-10-2014. On appeal, the Additional Sessions Judge, Nagpur, allowed the appeal and held her entitled to reside in the property under the definition of "shared household" and Section 17 of the Act. Aggrieved, the applicant filed a revision before the High Court.

Issues:

1. Whether the non-applicant qualified as an "aggrieved person" under the Act despite not residing in the shared household at the time of filing the application.
2. Whether past cohabitation ("has lived together at any point of time") under Section 2(f) was sufficient to establish a domestic relationship.
3. Whether the Protection of Women from Domestic Violence Act, 2005 applies to situations where the alleged acts and separation predate the enactment.
4. Whether the alleged divorce deed executed in 2007 nullified the non-applicant's right to reside.

5. Whether denying access to the shared household amounted to “economic abuse” under the Act.

Ratio Decidendi:

The Court interpreted “domestic relationship” and “shared household” expansively, consistent with the object of the Act as a piece of beneficial legislation. It emphasised that Section 2(f) includes persons who lived or had lived together in a domestic relationship and that the expression “has lived together at any point of time” covers even past cohabitation. The Court rejected the argument that actual residence at the time of the application was required.

Section 17 of the Act grants every woman in a domestic relationship an independent right to reside in the shared household, irrespective of ownership or title. The Court relied on the Supreme Court’s decision in *Prabha Tyagi v. Kamlesh Devi* (2022) 8 SCC 90, reiterating that the right to reside is not contingent upon possession, subsisting cohabitation, or pending domestic violence at the time of filing.

The Court held that the alleged divorce deed was legally inconsequential, as dissolution of marriage under the Hindu Marriage Act, 1955 can only be effected by a decree of a competent civil court. The applicant produced no proof of such a decree, making the plea untenable.

Regarding the applicability of the Act, the Court clarified that the right to residence and protection extends even to cases where the domestic relationship existed prior to the enactment, provided the effects of the deprivation continue.

The Court also held that economic abuse under the Act includes restricting access to shared household property or facilities to which the aggrieved person is entitled by virtue of the domestic relationship. Refusing residence to the non-applicant and her minor son, despite their entitlement, constituted economic abuse and thus domestic violence.

Conclusion:

The Court upheld the judgment of the Additional Sessions Judge, holding that no interference was required, except for a limited modification. It held that the non-applicant and her minor son were entitled to reside in the shared household. However, instead of the ground floor, they were granted residence specifically on the first floor, consistent with the bequest in the Will.

Accordingly, the revision was partly allowed only to the extent of modifying the floor of residence. The direction awarding residence rights to the non-applicant and her child was affirmed in substance. The rest of the appellate court's order remained undisturbed.

10. Kamalkant Mishra v. Additional Collector, 2025 SCC OnLine SC 2077

Court: Supreme Court of India

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

Date: 12 September 2025

Facts:

The appellant, an approximately 80-year-old man, filed the case alongside his 78-year-old wife. They are the parents of three working children. The appellant had purchased two properties and subsequently moved to Uttar Pradesh, leaving these properties in the possession of their children. A dispute arose when their eldest son took possession of the properties and refused to allow the elderly parents to reside in them.

Seeking redress, the appellant and his wife filed an application on 12-07-2023 before the Maintenance Tribunal under Sections 22, 23, and 24 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (the Senior Citizens Act). Their petition had two primary prayers: (1) for monthly maintenance from their children, and (2) for the eviction of their eldest son from the two properties.

The Tribunal allowed the application. It directed the eldest son to hand over possession of both properties to the parents and further ordered him to pay monthly maintenance of ₹3,000. This order was subsequently confirmed by the Appellate Tribunal.

The eldest son, aggrieved by the eviction order, challenged it before the Bombay High Court. The High Court, in its order dated 25-04-2025, allowed the son's petition and set aside the eviction orders. The High Court's reasoning was that the Tribunal lacked jurisdiction to pass an eviction order against another "senior citizen," as the eldest son, born on 04-07-1964, had crossed 60 years of age by the time of the High Court's hearing. The appellant, the senior citizen father, then appealed to the Supreme Court against this High Court judgment.

Issues:

The Supreme Court framed and addressed the following core legal issues:

1. What is the relevant date for determining whether a respondent in an application under the Senior Citizens Act qualifies as a "senior citizen" himself, thereby potentially barring the Tribunal's jurisdiction against him?
2. Whether the Maintenance Tribunal has the power to order the eviction of a child or relative from the property of a senior citizen when there is a breach of the obligation to maintain the senior citizen?
3. Whether the Bombay High Court erred in interpreting the provisions of the Senior Citizens Act, a welfare legislation, by adopting a technical and restrictive approach?

Ratio Decidendi:

The Supreme Court's reasoning, which forms the binding precedent of this judgment, is grounded in a purposive interpretation of the welfare legislation:

1. **The Relevant Date for Determining Jurisdiction is the Date of Filing the Application:** This was the central legal point clarified by the Court. The Supreme Court held that the High Court committed a fundamental error by considering the son's age at the time of the High Court's own hearing (2025) rather than at the time the application was initiated before the Tribunal (2023). The Court explicitly stated that "the relevant date for consideration would be the date of filing the application before the Tribunal." On the crucial date of 12-07-2023, the eldest son was 59 years old (having been born on 04-07-1964). Therefore, he was not a "senior citizen" as defined

under Section 2(h) of the Act on the date the Tribunal's jurisdiction was invoked. Consequently, the Tribunal was fully competent to entertain the complaint and pass orders against him.

2. **Tribunal's Power to Order Eviction is Integral to the Act's Object:** The Court reiterated that the Tribunal is well within its powers to order the eviction of a child or relative from a senior citizen's property. This power is not an isolated one but is intrinsically linked to the core objectives of the Act. The Court emphasized that when a child or relative, who is legally obligated to maintain the senior citizen, acts in breach of that obligation, such as by illegally occupying the senior citizen's property and refusing them residence, the Tribunal must have the authority to remedy this situation. The eviction power is a necessary tool to enforce the senior citizen's right to maintenance and residence, thereby fulfilling the very purpose of the legislation.
3. **Purposive Interpretation of a Welfare Legislation:** The Supreme Court underscored that the Senior Citizens Act is a social welfare legislation enacted to address the plight and ensure the care and protection of older persons. Citing established principles of statutory interpretation, the Court held that the provisions of such a beneficent statute "must be construed liberally so as to advance its beneficent purpose." The High Court's approach, which relied on a technicality arising from the son's age at a later date, was deemed erroneous as it frustrated the very object of the Act. The Court found that the eldest son, despite being financially stable, had acted in

clear breach of his statutory obligations by denying his parents residence in their own properties.

Conclusion:

The Supreme Court allowed the appeal filed by the senior citizen father. It set aside the judgment of the Bombay High Court dated 25-04-2025, thereby restoring the orders of the Maintenance Tribunal and the Appellate Tribunal. The Supreme Court's decision reinstated the eviction order against the eldest son and the direction for him to pay monthly maintenance. This judgment reinforces the protective scope of the Senior Citizens Act, clarifies a key procedural aspect regarding jurisdictional dates, and affirms the wide remedial powers of the Maintenance Tribunal to ensure the welfare of senior citizens, including the power to evict errant children from their properties.