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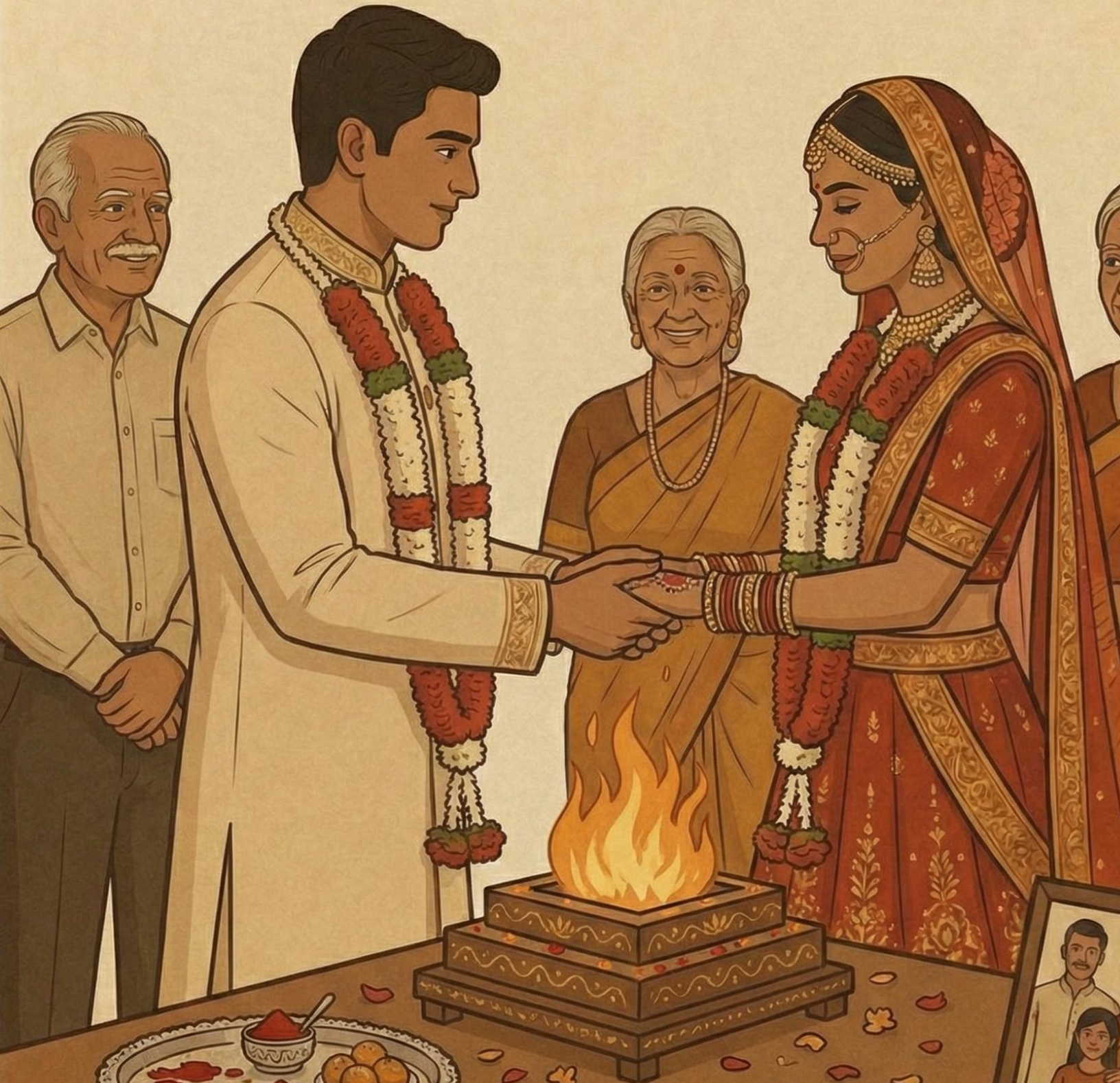
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MARRIAGE



Marriage

1. Sunil Dubey v. Minakshi, 2025 SCC OnLine All 5391

Court: High Court of Allahabad

Coram: Manish Kumar Nigam J.

Date: 26 August 2025

Facts:

The petitioner-husband and respondent-wife jointly filed a petition for mutual divorce under Section 13(B) of the Hindu Marriage Act, 1955. The Family Court, citing Rule 3(a) of the Hindu Marriage and Divorce Rules, 1956, insisted that they submit their marriage registration certificate and subsequently rejected their application for a waiver from this requirement.

The parties argued that their marriage, solemnized in 2010, had never been registered and that the certificate was not available. They further contended that since both admitted to the marriage, the certificate was unnecessary. The Family Court maintained that Rule 3(a) made it mandatory, leading the husband to file the present petition challenging this order.

Issues:

The Court framed the following key issues:

1. Whether the Family Court can insist on the production of a marriage registration certificate in a mutual divorce petition when the fact of the marriage is not disputed by either party?

2. Whether a Hindu marriage becomes invalid or its proof is impermissible due to non-registration?

Ratio Decidendi:

The High Court's decision was grounded in a clear interpretation of the statutory provisions governing Hindu marriages.

1. **Non-Registration Does Not Invalidate a Marriage:** The Court reaffirmed the fundamental principle established by Section 8 of the Hindu Marriage Act, 1955. It emphasized that "a Hindu marriage does not become invalid merely because it is not registered." The purpose of registration under Section 8 is to provide "convenient evidence" of the marriage, not to confer validity upon it. The validity of a Hindu marriage flows from its solemnization in accordance with the requisite ceremonies, not from its entry in a register.
2. **Rule 3(a) is Conditional, Not Absolute:** The Court provided a crucial interpretation of Rule 3(a) of the Hindu Marriage and Divorce Rules, 1956. It held that the rule, which requires a petition to be accompanied by a certified extract from the Marriage Register, applies only "where the marriage has been registered." In this case, since the marriage was never registered, the rule was not triggered, and its insistence by the Family Court was a misapplication of the law.
3. **Admission of Marriage by Parties is Sufficient:** In a petition for mutual consent divorce under Section 13(B), where both parties explicitly admit the fact of their marriage, the need for formal documentary proof is obviated. The Court found the Family Court's insistence on a certificate in such a

scenario to be "unnecessary and unwarranted," creating a procedural hurdle where none was intended by the law.

Conclusion:

The High Court allowed the petition. It set aside the impugned order of the Family Court dated 31-07-2025, which had rejected the waiver application. The Court held that the Family Court could not insist on the production of a marriage registration certificate in this case. It directed the Family Court to proceed with the hearing of the mutual divorce petition without requiring the certificate and to decide the matter expeditiously. This judgment clarifies that procedural rules cannot be used to undermine substantive rights, especially when the core fact-the existence of the marriage-is conceded by all involved.

MAINTENANCE



Maintenance

2. C. Amarnath (Dr.) v. Dr. J. Remabarathi, 2025 SCC OnLine Mad 5294

Court: High Court of Madras

Coram: P. B. Balaji J.

Date: 22 August 2025

Facts:

The petitioner-husband filed a civil revision petition challenging an order of the Family Court that directed him to pay interim maintenance of ₹30,000 per month to his respondent-wife under Section 24 of the HMA. The husband did not challenge the separate award of ₹30,000 per month for their minor son, which he was paying.

The husband contended that the wife was affluent and financially self-sufficient. He argued that the Family Court's order was mechanical and failed to consider her substantial independent income, which included significant annual dividends from a private company where she was a director, as well as her ownership of valuable immovable properties.

The wife did not deny receiving dividends but claimed they were entirely used for their son's educational expenses, including his admission to an institution with high fees. She also disclosed ownership of land but argued she had no regular income from her professional work as a doctor.

Issues:

The Court framed the following key issues:

1. Whether the respondent-wife, given her substantial dividend income and asset ownership, was entitled to interim maintenance from her husband under Section 24 of the HMA?
2. Whether the Family Court erred in awarding maintenance to the wife without adequately considering her financial independence?

Ratio Decidendi:

The Court's reasoning was anchored on the purpose of interim maintenance and a comprehensive assessment of the wife's financial means.

1. **Purpose of Interim Maintenance:** The Court emphasized that the object of Section 24 HMA is to provide for a spouse's "basic sustenance" and a "comfortable lifestyle" commensurate with the matrimonial home during the pendency of litigation. It is not an absolute right but is contingent upon the applicant's demonstrated need.
2. **Financial Self-Sufficiency of the Wife:** The Court found the wife was financially independent. Crucially, it noted she had received substantial and regular dividend payments of over ₹15-16 lakhs annually for three consecutive years. The Court held that these dividends constituted a significant independent source of income. It rejected the wife's argument that these funds were entirely consumed by the son's expenses, stating that a spouse cannot make unilateral financial decisions and then claim a lack of

funds. Her ownership of valuable immovable properties further reinforced her financial standing.

3. Failure of the Family Court to Apply Principles from *Rajnesh v. Neha*: The Court held that the Family Court committed a legal error by awarding maintenance to the wife without a reasoned discussion of her income and assets, as mandated by the Supreme Court in *Rajnesh v. Neha* (2021). The Family Court's order was deemed "mechanical" for focusing solely on the son's needs while ignoring the wife's substantial financial capacity.

Conclusion:

The High Court partly allowed the husband's revision petition. It set aside the portion of the Family Court's order that granted ₹30,000 per month as interim maintenance to the wife. The Court concluded that given her substantial dividend income and assets, the wife did not require further funds from the husband to maintain a comfortable lifestyle. The award of maintenance for the minor son remained unchallenged and was thus upheld.

DIVORCE



Divorce

3. Heeralal Meena v. Rama, 2025 SCC OnLine MP 6399

Court: High Court of Madhya Pradesh (Division Bench)

Coram: Vishal Dhagat and Anuradha Shukla JJ.

Date: 26 August 2025

Facts:

The parties were married in 2003 according to Hindu rites and had a daughter. The marital relationship deteriorated shortly thereafter, leading to the spouses living separately from 2005. The appellant-husband filed for divorce in 2006, citing cruelty under Section 13(1)(ia) of the Hindu Marriage Act, 1955.

The husband's factual matrix for the claim of cruelty centered on a critical incident where the respondent-wife sustained severe burn injuries. The husband alleged that the wife's behavior was unpleasant and threatening, culminating in an act of self-immolation at the matrimonial home. He claimed he and his family rescued her and rushed her to the hospital. He argued that this extreme act constituted severe mental cruelty, causing him dread and fear.

The respondent-wife presented a diametrically opposite version of the same incident. She alleged that the burn injuries were not self-inflicted but were the result of a violent assault by the husband, his mother, brother, and brother's wife, who jointly set her on fire. She claimed neighbours rescued her. She further stated that she refrained from lodging an FIR against her in-laws on the advice of respected community members. She contended that the husband's divorce petition

was a strategy to abandon her due to the physical disfigurement she suffered from the burns. The Family Court (Trial Court) dismissed the husband's divorce petition, leading to the present appeal before the High Court.

Issues:

The High Court framed and addressed the following primary legal issues:

1. Whether the appellant-husband successfully established the ground of desertion by the respondent-wife?
2. Whether the appellant-husband successfully established the ground of cruelty under Section 13(1)(ia) of the Hindu Marriage Act, 1955, based on the wife's conduct, particularly the incident of burn injuries?
3. Whether the Trial Court erred in its appreciation of evidence, specifically by relying on its perceived notions and the compromised confidentiality of court-assisted mediation proceedings to supplement the factual record?

Ratio Decidendi:

The Court's reasoning, which forms the binding principle of the judgment, can be broken down as follows:

1. **Rejection of the Ground of Desertion:** The Court first addressed the ground of desertion and found it untenable. It factually noted that the divorce petition was filed in March 2006, while the parties had last cohabited until June 2005. This period of separation was less than the statutory requirement of two years of continuous desertion preceding the petition. Consequently, this ground was rejected outright.
2. **Critical Analysis of Evidence Regarding the Burn Incident:** The core of the ratio revolves around the Court's analysis of the burn incident. The Court

applied the principle of "preponderance of probabilities" to evaluate the two conflicting narratives.

- **Failure to Corroborate the Wife's Version:** The Court found the wife's version of being set on fire by her in-laws to be lacking credible corroboration. It critically noted that she failed to examine any neighbour, whom she claimed were her rescuers, to support her serious allegation. Furthermore, the absence of an FIR, despite the gravity of the alleged crime, weakened her stance. The Court rejected her explanation for not filing an FIR-that she was advised by community elders-by logically reasoning that if those elders had such influence, she would have also sought their intervention to reconcile with her husband, which she did not do. These elders were also not produced as witnesses.
 - **Acceptance of the Husband's Version:** In contrast, the Court found the husband's version of self-immolation to be consistent and more probable. The lack of evidence to support the wife's counter-allegation led the Court to conclude that the husband had successfully established his case on a preponderance of probabilities.
3. **Self-Immolation as Mental Cruelty:** The Court laid down a crucial legal principle: a drastic act of self-immolation by one spouse is, in itself, sufficient to constitute mental cruelty against the other spouse. The Court reasoned that such an act naturally causes "dread and fear" in the other spouse, destroying the mutual trust and bonding essential for a matrimonial relationship, thereby making it impossible for the aggrieved spouse to continue the marital bond.

4. **Censure of the Trial Court's Reliance on Mediation Proceedings:** The High Court strongly criticized the Trial Court for recording and relying upon the conduct and outcome of confidential court-assisted mediation. Relying on the Supreme Court's judgment in *Moti Ram v. Ashok Kumar*, the High Court reiterated that mediation proceedings are strictly confidential. Disclosing events from these proceedings "destroys the confidentiality of the process." The High Court held that the Trial Court erred by supplementing the evidentiary record with its "perceived notions" from the compromised mediation process instead of strictly deciding the case on the facts and evidence available on record.

Conclusion:

The High Court allowed the appeal. It set aside the impugned judgment and decree of the Trial Court. Holding that the husband had successfully made out a case of cruelty, the Court dissolved the marriage between the parties by a decree of divorce under Section 13(1)(ia) of the Hindu Marriage Act, 1955. The Court concluded that the wife's act of self-immolation constituted mental cruelty, and the Trial Court's dismissal of the petition was a result of a fundamental misappreciation of evidence and an improper reliance on confidential mediation proceedings.

4. **Smiti v. Aakash Kirankumar Shah, 2025 SCC OnLine Guj 3730**

Court: High Court of Gujarat

Coram: A. Y. Kogje and N. S. Sanjay Gowda JJ.

Date: 8 August 2025

Facts:

The appellant (wife) and the respondent (husband) were married in 2008 according to Hindu rites in Gujarat, and their marriage was registered under the Gujarat Registration of Marriages Act, 2006. Shortly after the marriage, the husband moved to Australia, and the wife joined him later. The husband acquired Australian citizenship in 2011, and the wife acquired hers in 2014. The same year, due to marital discord, the husband returned to India and subsequently secured an Overseas Citizenship of India (OCI) card in 2015. The central dispute arose when the husband initiated divorce proceedings in the Federal Circuit Court of Australia in 2016, which granted him a decree of divorce. The wife's review application against this decree was dismissed by the Australian court. Simultaneously, the wife initiated legal actions in India. She filed a petition before the Family Court in Ahmedabad under Section 125 of the Code of Criminal Procedure, 1973 (CrPC) for maintenance and under Section 9 of the Hindu Marriage Act, 1955 (HMA) for restitution of conjugal rights. She also filed a separate civil suit seeking a declaration that the Australian divorce decree was null and void. The Family Court, vide its order dated 31-03-2023 (the impugned order), rejected both of the wife's complaints. Aggrieved by this rejection, the wife filed the present appeals before the Gujarat High Court.

Issues:

The High Court framed the following primary legal issues for its determination:

1. Whether the Family Court in India was justified in rejecting the wife's plaint for restitution of conjugal rights on the grounds that the parties were Australian citizens and their marriage had already been dissolved by a competent Australian court?
2. Whether the husband, having been married under the Hindu Marriage Act, 1955 in India, was legally permitted to initiate divorce proceedings in an Australian court based on his acquired citizenship, and consequently, whether the Australian decree should be recognized in India?
3. Whether the Family Court in India had the jurisdiction to entertain a suit questioning the validity of a foreign divorce decree and to adjudicate upon the matrimonial status of the parties?

Ratio Decidendi:

The Court's reasoning, which forms the core legal principle of this judgment, is multi-faceted:

1. **Governing Law of the Marriage:** The Court anchored its analysis on the seminal Supreme Court precedent in *Y. Narasimha Rao v. Y. Venkata Lakshmi* (1991). It reiterated the principle that a marriage solemnized in India under a specific personal law (in this case, the HMA) must be governed by that law and the provisions of Indian statutes for its dissolution. The Court held that it is impermissible to apply a foreign law to dissolve a marriage that was constituted under Indian law. The mere acquisition of a

new citizenship (domicile of choice) does not automatically abrogate the legal framework under which the marriage was entered into.

- 2. Jurisdiction Based on Domicile by Origin vs. Domicile of Choice:** The Court made a critical distinction between domicile by origin (birth) and domicile by choice. It noted that both parties, by voluntarily obtaining OCI cards, demonstrated an intention to retain their connection and domicile by origin in India. The husband's act of initiating divorce proceedings in Australia was characterized as "taking advantage" of his Australian citizenship to bypass the more stringent provisions of the HMA. The Court expressly held that a party cannot be permitted to unilaterally choose a foreign forum for divorce simply by acquiring a new domicile of choice, when the marriage itself is rooted in Indian law and tradition.
- 3. Jurisdiction of the Indian Family Court:** The Court firmly established that the Family Court in Ahmedabad did have the jurisdiction to entertain the wife's suits. It referred to Section 7 of the Family Courts Act, 1984, which confers jurisdiction on Family Courts to decide disputes and questions relating to the matrimonial status of persons. By seeking a declaration that the Australian decree was null and void and praying for restitution of conjugal rights, the wife was directly placing her matrimonial status in question. Therefore, the Family Court was not only the appropriate forum but was statutorily obligated to adjudicate the matter on its merits.
- 4. Rejection of the Australian Decree's Primacy:** The Court implicitly rejected the argument that the existence of the Australian divorce decree automatically extinguished the wife's cause of action in India. It highlighted

that the Australian court itself had questioned whether its decree would be recognized in India. By holding that the husband had no right to initiate proceedings in Australia in the first place for a marriage solemnized under the HMA, the Gujarat High Court effectively ruled that the foreign decree was irrelevant for the purposes of proceedings in India and could be challenged as null and void.

Conclusion:

The Gujarat High Court allowed the wife's appeals. It set aside the impugned order of the Family Court dated 31-03-2023, which had rejected her complaints. The Court held that the husband could not have legitimately initiated divorce proceedings in Australia for a marriage solemnized under Indian law. Consequently, the matter was remanded back to the Family Court, Ahmedabad, with a direction to decide the wife's complaints for restitution of conjugal rights and for a declaration that the Australian divorce decree was null and void, on their merits and in accordance with the law. The ruling reinforces the principle that the jurisdictional basis for dissolving a marriage is intrinsically linked to the law under which it was solemnized.

ADOPTION AND GUARDIANSHIP



Adoption

5. Arundhathi v. Central Adoption Resource Agency, 2025 SCC OnLine

Kar 19487

Court: High Court of Karnataka

Coram: B. M. Shyam Prasad J.

Date: 22 August 2025

Facts:

The present writ petition was filed by the petitioners against the Central Adoption Resource Agency (CARA) and State Adoption Resource Agency (SARA), challenging their insistence on obtaining the consent of the biological father of a minor child as a precondition for proceeding with the adoption.

The first petitioner is the biological mother of the minor, while the fifth respondent is the biological father. Their marriage had earlier been dissolved by mutual consent through matrimonial proceedings. Importantly, as per the mutually agreed terms recorded during divorce:

- The biological mother was granted permanent care and custody of the minor son.
- She was recognized as the sole guardian.
- The biological father expressly relinquished any visitation rights or future custody claims.

Subsequently, the first petitioner married the second petitioner, and since then, the minor had been residing with both petitioners in a stable family setting. The

petitioners initiated the formal adoption process through CARA, complying with all procedural requirements and uploading necessary documentation.

However, CARA, through an email communication, insisted that the petitioners furnish the explicit consent of the biological father. This insistence posed a practical obstacle, as the biological father had remained passive and did not respond or take a definite position. Aggrieved by CARA's insistence, the petitioners approached the Karnataka High Court under writ jurisdiction seeking appropriate directions.

Issues:

1. Whether the adoption process under CARA can proceed without explicit written consent from the biological father, given that he earlier relinquished custody and visitation rights in matrimonial proceedings.
2. Whether an inference of consent can be legally drawn when the biological father fails to take a clear stand despite being given the opportunity.
3. Whether the best interest of the minor child must override procedural insistence on explicit written consent.

Ratio Decidendi:

Justice B.M. Shyam Prasad examined the conduct of the biological father and the circumstances under which the adoption process was stalled.

1. Prior Relinquishment of Rights

The Court emphasized that the biological father had already abdicated his parental claims. He relinquished both custody and visitation rights pursuant

to the dissolution of marriage by mutual consent. This previous legal act showed a clear disengagement from the child's life.

2. Failure to Take a Stand

The Court noted that the biological father was given an opportunity to clarify his stance before the authorities, yet he did not respond definitively. His silence could not be used to obstruct the child's welfare. The Court concluded that his refusal to take a position is itself a conscious omission and must yield to the welfare of the child.

3. Child's Best Interest is Paramount

Relying on the settled legal principle that the minor's welfare is of paramount consideration, the Court held that procedural insistence cannot operate to the detriment of the child. The Court observed that:

- The minor was already living with the petitioners.
- The child was eager to be adopted into this family unit.
- Denial or delay of adoption would deprive the minor of legal, emotional, and social security.

4. Inference of Consent

The Court held that consent may not always be explicit; the father's prior conduct and continued non-cooperation justified drawing an inference of implied consent. The absence of any cogent reason from him to oppose the adoption further strengthened this inference.

5. Avoidance of Prejudice to the Child

The Court underscored that failing to infer consent would jeopardize the minor's sense of belonging and continuity with the petitioners, especially since the petitioners had completed all their statutory obligations.

Conclusion:

The Court held that, in the present case, an inference of consent must be drawn in favour of the adoption, given the biological father's prior relinquishment of rights and continued silence. It therefore directed the Central Adoption Resource Agency (CARA) and the State Adoption Resource Agency (SARA) to proceed with the adoption process without awaiting explicit written consent from the father. The petitioners were further granted liberty to upload this judicial order in lieu of the father's written consent, ensuring that the procedural requirement would not obstruct the child's placement in a stable family environment. The writ petition was accordingly disposed of with a direction to the authorities to complete the remaining formalities expeditiously. In essence, the Court reaffirmed that the best interest and welfare of the child must always prevail over procedural rigidity, and that passive non-cooperation by a biological parent cannot be allowed to stall or frustrate a legitimate and beneficial adoption.