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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Judgment reserved on: 25.08.2025***
Judgment pronounced on: 16.09.2025

\+ MAT.APP.(F.C.) 138/2023 & CM APPL. 68819/2024

[redacted] .....Appellant

Through: Ms. Urmila Sharma, Mr. U. K. Sharma & Mr. Parteek Bajaj, Advs. Appellant in person

versus

[redacted] .....Respondent

Through: Mr. R. Sahni, Ms. Jamine Sahni & Ms. Ashmine Sahni, Advs. Respondent in person

CORAM:
HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

J U D G E M E N T

HARISH VAIDYANATHAN SHANKAR J.

1. The present appeal, filed under Section 19 of the **Family Courts Act, 1984**[1] read with Section 28 of the **Hindu Marriage Act, 1955**[2], arises from the **Judgment dated 21.01.2023**[3] passed by the learned **Principal Judge, Family Court, Central District, Tis Hazari Courts, Delhi**[4], in **HMA Petition No. 5861631/2016**[5] *(Old Number HMA Petition No. 192/2012)*, titled as '*Aishwarya Pasricha vs. Puja Pasricha*', whereby the marriage between the Appellant-Wife

[1] FC Act
[2] HMA
[3] Impugned Judgement
[4] Family Court
[5] Petition

and the Respondent-Husband was dissolved on the ground of cruelty under Section 13(1)(ia) of the HMA.

BRIEF FACTS:

2. The marriage between the Appellant and the Respondent was solemnized on 27.03.2007 in Delhi, according to Hindu rites and ceremonies. Out of this wedlock, a son, Aditya Pasricha, was born on 08.01.2008. However, matrimonial discord surfaced soon after the marriage.

3. According to the Respondent, the Appellant subjected the Respondent to cruelty during the subsistence of the marriage. The Appellant was unwilling to live in a joint family, and she repeatedly pressurized him to partition the family property and live separately from his mother and sister. She allegedly absented herself frequently from her matrimonial home, neglected household duties, and refused to share household responsibilities.

4. As per the Respondent, the Appellant did not develop cordial relations with his mother and sister, frequently misbehaved with them, and created scenes in social and professional gatherings, thereby humiliating the Respondent. Such incidents allegedly occurred from the very beginning of the marriage and continued thereafter. *For instance*, in May 2007, despite prior intimation, the Appellant removed her *Chudha* at her *Guruji's* place without involving the Respondent and his family, even though a function for the *Chudha Wadhana Ceremony* had been organized at his residence. This, according to him, caused embarrassment and emotional distress in the presence of friends and relatives.

5. It is further alleged that the Appellant, on several occasions, threatened to implicate the Respondent and his family members in

false criminal cases. On 27.08.2009, following a quarrel at the matrimonial home which required police intervention, the Respondent was compelled to temporarily shift to the Appellant's parental house, where he stayed until May 2010.

6. In June 2010, contrary to the Respondent's wishes and his family traditions, the Appellant performed the *Mundan* ceremony of the child at her *Guruji's* place instead of accompanying him to Tirupati Balaji, Andhra Pradesh, in accordance with his late father's wish.

7. On 10.06.2011, the Appellant dialed '100' and called the police, further escalating tensions.

8. In view of these issues, the parties approached the Family Counselling Centre, Navjyoti India Foundation, in October 2010, for reconciliation.

9. On 03.08.2011, another quarrel at the matrimonial home necessitated police intervention. The dispute between the Appellant and the Respondent's mother and sister resulted in the Respondent's mother visiting the police station, where an undertaking was given by the Appellant's father that they would not visit the Respondent's home. Thereafter, the Appellant left the matrimonial home with the minor child and has since been residing with her parents.

10. According to the Respondent, the Appellant imposed her personal choices on the child, denied him and his family emotional access to the child, disregarded family customs, and consistently acted in a manner that caused him humiliation, distress, and mental agony.

11. On these grounds, the Respondent instituted a petition under Section 13(1)(ia) of the HMA, seeking dissolution of marriage on the ground of cruelty.

12. The Appellant, however, denied these allegations before the learned Family Court. She alleged that it was she who was subjected to harassment at the matrimonial home by her mother-in-law and sister-in-law, who interfered in her domestic life, humiliated her on several occasions, including during pregnancy, denied her access to household resources, and pressurized her to conform to unreasonable expectations, thereby causing mental and physical abuse.

13. The Appellant further contended that her disagreements with the Respondent were not due to her unwillingness to live in a joint family but arose from the hostile and oppressive environment created by his family members. She explained that her absences from the matrimonial home were due to genuine medical exigencies. She also highlighted her efforts to preserve the marriage by approaching the Family Counselling Centre in 2010 and again in 2011.

14. The Appellant also had initiated proceedings under the Protection of Women from Domestic Violence Act, 2005, and filed a petition under Section 9 of the HMA, seeking restitution of conjugal rights.

15. Both matrimonial cases under the HMA between the parties, *namely*, the first being a petition for restitution of conjugal rights under Section 9 filed by the wife, and the second being a petition for divorce filed by the husband under Section 13(1)(ia) on the ground of cruelty, were clubbed together, and common evidence was led by the parties.

16. After considering the rival allegations and the evidence led by the parties, the learned Family Court, by the Impugned Judgment dated 21.01.2023, dissolved the marriage between the Appellant-Wife

and the Respondent-Husband on the ground of cruelty under Section 13(1)(ia) of the HMA.

17. Aggrieved by the said judgment, the Appellant has preferred the present appeal before this Court.

APPELLANT'S SUBMISSIONS:

18. Learned counsel for the Appellant would commence her arguments by submitting that the Appellant was denied a fair and effective opportunity of hearing before the learned Family Court, and although her application under Section 151 of the **Code of Civil Procedure, 1908**[6], for reopening of evidence, which had earlier been closed on 29.11.2022, was disposed of on 11.01.2023, the matter was immediately reserved for judgment and she was denied the chance of oral submissions in violation of Order XVIII Rule 3 CPC, while her absences were unfairly assessed despite being caused by medical exigencies including her treatment for schizophrenia and her son's hospitalization at Sir Ganga Ram Hospital.

19. Learned counsel for the Appellant would further submit that, whereas the Respondent was granted repeated adjournments and took nearly three years to conclude his evidence, the Appellant's opportunities were curtailed and her evidence was peremptorily closed, and the learned Family Court erred in holding that she failed to cross-examine the Respondent and his sister, since the only admitted dispute was her alleged unwillingness to live in a joint family which in law cannot constitute cruelty, and the incidents relied upon such as quarrels with in-laws, visits to the parental home, and adherence to a

[6] CPC

spiritual guide amounted only to the ordinary wear and tear of matrimonial life.

20. It would also be argued by the Appellant that the Appellant's petition under Section 9 of the HMA for restitution of conjugal rights was directed to be heard along with the Respondent's divorce petition and evidence was to be read in both, but her affidavit and supporting documents, some of which were admitted by the Respondent in his deposition, were disregarded in the Impugned Judgment despite constituting material evidence.

21. On merits, learned counsel for the Appellant would submit that it was in fact the Appellant who was subjected to harassment at the matrimonial home by her mother-in-law and sister-in-law, who interfered in her domestic life, humiliated her on several occasions including during pregnancy, denied her access to household resources, and pressurized her to conform to unreasonable expectations, and such conduct caused her both mental and physical abuse, whereas even the minor child was subjected to harassment, and the constant hostilities often necessitated police intervention.

22. It would further be contended that the Appellant's disagreements with the Respondent were not on account of her unwillingness to live in a joint family but because of the hostile and oppressive atmosphere created by his family members, and her absences from the matrimonial home were explained by medical exigencies, including her own illness and the hospitalization of the minor child.

23. Learned counsel for the Appellant would also submit that the Appellant made genuine efforts to preserve the marriage, as she approached the Family Counselling Centre in 2010 and again in 2011,

and she even initiated proceedings under Section 9 of the HMA, but none of these efforts were duly considered by the learned Family Court.

RESPONDENT'S SUBMISSIONS:

24. *Per contra*, learned counsel for the Respondent would submit that the learned Family Court repeatedly granted the Appellant opportunities to adduce evidence, *for instance*, orders dated 09.03.2022, 19.04.2022, 02.05.2022, and 29.10.2022 specifically recorded about the final opportunity to the Appellant, yet the Appellant failed to avail herself of such opportunities, and therefore, the learned Family Court was compelled to close her evidence on 29.11.2022.

25. Learned counsel for the Respondent would further submit that the allegation of denial of the right to argue was misconceived, since liberty was expressly granted to the Appellant to file written submissions on 11.01.2023, but despite this indulgence, she chose not to file any, which showed her indolence before the learned Family Court.

26. It would also be contended by the Respondent that the testimonies of the Respondent and his sister were wholly consistent, credible, and unrebutted on all material particulars, and the learned Family Court was therefore justified in placing reliance upon them while recording its findings on cruelty and granting divorce.

27. Learned counsel for the Respondent would also urge that the parties have been residing separately since 03.08.2011 for more than fourteen years, and all attempts at reconciliation have failed, which

clearly demonstrates that the matrimonial bond has irretrievably broken down by virtue of the cruelty committed by the Appellant.

28. It would be further highlighted that the Respondent is suffering from serious medical ailments and is incurring substantial expenditure on treatment, and therefore, prolonging the marital tie would serve no useful purpose but would instead cause additional hardship.

29. Learned counsel for the Respondent would accordingly submit that the decree of divorce granted by the learned Family Court on the ground of cruelty was strictly in accordance with law and calls for no interference in appellate jurisdiction.

ANALYSIS:

30. We have considered the submissions advanced on behalf of the parties and perused the Impugned Judgment, documents, and pleadings of the present appeal.

31. The issues that arise for determination in this appeal are as to:

(a) Whether the conduct of the Appellant amounts to "*cruelty*" within the meaning of Section 13(1)(ia) of the HMA and the findings of the learned Family Court in this regard are correct,

(b) Whether the Impugned Judgment suffers from violation of the Principles of Natural Justice, particularly the denial of further opportunity to the Appellant to lead evidence and address oral arguments.

(a) *cruelty*

32. At the outset, it would be appropriate to reproduce the analysis and findings of the learned Family Court in the Impugned Judgment on the aspect of "*cruelty*". The relevant excerpt of the Impugned Judgment is set out below:

"**14.** From the pleadings of the parties, following issues were framed vide order dated 20.08.2015: -

1. Whether the petitioner has been treated with cruelty, as detailed in the petition? OPP.
2. Whether the petition is not maintainable in view of the preliminary objections taken by the respondent in her written statement? OPR.
3. Relief.

15. In evidence, the petitioner has examined himself as PW-1 and tendered his affidavit Ex. PWl/A. He relied upon the following documents: -

1. Undertaking/handwriting of the father of the respondent is Ex.PWl/1.
2. Copy of petition under DV Act is Ex.PWl/2.
3. Copy of petition under Section 9 of HMA is Ex.PWl/3 and her evidence affidavit tendered before the court is Ex.PWl/4.

16. The petitioner has been cross-examined at length on behalf of respondent.

17. PW-2 Arati Pasricha is the sister of the petitioner. She also tendered her affidavit in evidence Ex.PW2/ A and has also been cross-examined on behalf of respondent. Thereafter petitioner closed his evidence.

18. On the other hand, respondent Puja tendered her evidence by way of affidavit which is Ex.RWl/A. She relied upon the documents i.e. Photocopy of PAN card as Mark A and Photocopy of Election ID as Mark B. Respondent, however, was not cross examined as despite opportunities she did not appear for the purposes of cross examination and evidence was ordered to be closed on 11.01.2023. In this way, the affidavit cannot be read in evidence since evidence was not complete owing to the default of respondent.

19. I have heard Sh. Bhupender Kumar, Ld. Counsel for petitioner. I have given due considerations to the facts and circumstances of the case, evidence and material available on record and to the rival submissions.

20. My findings on the above mentioned issues are as follows.

Issue No. 1:-

Whether the respondent-wife has treated the petitioner-husband with cruelty after solemnization of marriage? OPP.

21. The petitioner husband in the present case seeks dissolution of marriage pleading cruelty against the respondent wife. Initially, 'cruelty' was not a ground for divorce but with the amendment in the year 1976 'cruelty' was brought into force as ground for divorce although concept of cruelty has not been defined under the Act. Marriage under Hindu Law is sacramental and both the spouses

have to discharge their matrimonial obligations to make their marriage successful. The ground of divorce as provided under Section 13 HMA 1955 are based on fault theory and therefore respondent must have been at fault on account of the grounds set out in the plaint, before decree can be granted in favour of the petitioner. The concept of cruelty has not been defined under Hindu Marriage Act but as the concept has evolved by way of various pronouncements. 'Cruelty' generally means 'matrimonial act' which caused pain, distress, agony, which can be physical and mental, social or economical to the other spouse. The important pronouncements as to the ground of cruelty are as under: -

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26. Coming to the case in hand, petitioner husband has pleaded cruelty primarily on the following points: -

(i) The respondent wife pressurized the petitioner to live separately from his mother and sister.

(ii) Respondent wife used to frequently visit her parental home ignoring her matrimonial obligations. She did not attend to the household work and used to leave home after the petitioner and used to return in the evening.

(iii) The respondent remained under the influence of her parents and did not attend the ceremonies organized at matrimonial home and used to misbehave with the mother and sister of the petitioner.

(iv) The respondent wife has been a follower of 'guruji' and after the child was born, she imposed her choices on the petitioner husband and on the child. She also alienated the child by not permitting the petitioner's mother and sister to hold or keep the child with them.

(v) The respondent wife did not behave properly in an official party in March 2009 and also in May 2009 respondent wife came to the office and misbehaved with the petitioner in the presence of colleagues.

(vi) The incident dated 27.08.2009 has been mentioned whereby the respondent called the police and thereafter went to her parents home. The respondent was compelled to leave his mother and sister and to live separately with effect from 27.08.2009 to May 2010.

(vii) Respondent wife did not care to cook for the petitioner and therefore, petitioner came back to live with his mother in May 2011.

(viii) In October 2010, respondent wife approached Navjyoti/India Foundation for reconciliation and came back to the matrimonial home in May I June 2011.

(ix) Finally, on 03.08.2011, respondent called the police and due to the fight with the petitioner's mother and sister, mother went up to the police station where undertaking was given by the father of the respondent to the effect that they will not visit the house of the petitioner's mother and sister.

27. I have carefully analysed the evidence appearing on record in the light of above mentioned facts and events. The petitioner husband while examining himself as PW-1 reasserted his pleadings by way of affidavit Ex.PW1/A. During lengthy cross examination of the petitioner, he stood firm on the grounds and no contradictions or variations are found in his entire testimony. The petitioner remained consistent on the point that respondent did not perform her matrimonial obligations and brought disrespect and disrepute to the petitioner and his family members. The police had to intervene on several occasions. The relationship with the petitioner and his family and the respondent became so unpleasant that mother of the petitioner revoked the license and asked the petitioner and his wife to stay away.

28. The sister of the petitioner Arati Pasricha has been examined as PW-2. She tendered her affidavit in evidence and has also been cross examined.

29. Both the witnesses have remained consistent on all the issues and allegations contained in the petition and despite lengthy cross-examination witnesses have remained firm and determined. From the sequence of events as appearing in evidence, it is clear that situation has come where the marriage has broken down irretrievably. It is admitted that this is the second marriage of both the parties. After marriage they lived together for about two years at the matrimonial home and after the incident dated 27.08.2009, couple started living separately with the parents of the respondent wife. Even thereafter their relations could not improve. The petitioner husband came back to his mother's house in May 2010 and after about one year of separation, respondent/wife came to the matrimonial home. However, but their relations continued to deteriorate and finally with the indecent incident of 03.08.2011, the parties got separated.

30. During cross-examination of the petitioner, some of the substantial allegations were not touched. The petitioner was cross examined only on the issues that respondent wife wanted to live separately and did not attend to household work and on the incidents dated 27.08.2009 and 03.08.2011. The petitioner (PW-1) and his sister (PW-2) remained consistent and cogent on their versions but contradictory questions or suggestions were put to them during cross examination on behalf of the respondent. In this way, respondent has failed to remain consistent on her counter allegations. The respondent has not cross examined the petitioner on various other issues. Therefore, the allegations of the petitioner to the effect that respondent was following 'guruji' and was imposing her choices have remained uncontroverted and unchallenged. Similarly, the allegations of misbehavior of respondent during official function and at the workplace of the petitioner have not been rebutted. Whereas, the petitioner remained

confident on all his averments and his testimony could not be impeached during cross examination.

31. Perusal of the Ex.PWl/1 shows that there has been unpleasant incident on 03.08.2011 which led the parties to live separately and they continued to live separately till date. However, contradictory suggestions were put to the petitioner as to the reasons and timing of separation. The petitioner has been able to show through his assertions and affidavit and through his testimony that he had to suffer physical, emotional and social abuse at the hands of the respondent wife. It is clear from the facts that respondent deprived the petitioner from matrimonial enjoyment and failed to keep her marriage intact despite sincere efforts put in by the petitioner husband. The respondent has levelled her own set of counter allegations in her written statement but she has failed to prove the same in her favour as despite opportunities no evidence was led by the respondent. The respondent also failed to remain consistent on her counter allegations in all respects.

32. The appreciation of the evidence brought on record clearly bring out that respondent continuously neglected and remained insensitive towards the petitioner and his mother and sister. This all resulted in mental cruelty to the petitioner I husband. Given the long years of marital discord and separation and litigation pursued by the parties, the marriage has reached at the stage, where no emotional bond is left between the couple.

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34. In view of foregoing discussion, I conclude that petitioner has been able to bring on record sufficient evidence to prove the cruel conduct of the respondent wife. The marriage between the petitioner and respondent on account of matrimonial cruelty deserves to be dissolved. Issue no. l is therefore, answered in favor of the petitioner I husband and against the respondent /wife."

33. In the present matter, the Respondent has alleged a series of acts committed by the Appellant which, according to him, inflicted grave mental agony and humiliation. The testimony of the Respondent and his sister, as recorded by the learned Family Court, was consistent on material particulars and remained unrebutted due to the Appellant's failure to produce her evidence. We are conscious of the Appellant's defence that she was, in fact, subjected to harassment by her mother-in-law and sister-in-law. However, in the absence of cogent and

complete evidence adduced in support of such allegations, this defence cannot be accepted.

34. On the other hand, the Respondent has succeeded in establishing, through consistent and corroborated testimony, acts of cruelty attributable to the Appellant. The established facts, when examined in light of settled law, leave no doubt that the Appellant's conduct constituted cruelty under the HMA.

35. The unrebutted evidence on record reveals a consistent pattern of emotionally distressing conduct by the Appellant towards the Respondent. For instance, in March 2009, the Appellant behaved discourteously at an official party towards the Respondent's superior and his spouse, causing significant embarrassment and placing the Respondent in an awkward position.

36. Further, in May 2009, following the Respondent's refusal to accede to the Appellant's demand for separation, she publicly berated him at his workplace in the presence of colleagues and superiors, accusing him of neglect and of failing to prioritise her happiness. Such conduct, characterised by repeated public humiliation and verbal abuse, amounts to mental cruelty.

37. The Hon'ble Supreme Court in ***A. Jayachandra v. Aneel Kaur***[7] held that cruelty may be inferred from a course of conduct causing "*immeasurable mental agony and torture*". The Apex Court further noted that physical violence is not essential to establish cruelty; a consistent course of conduct inflicting immeasurable mental agony and torture may suffice, and mental cruelty may consist of verbal abuses and insults by using filthy and abusive language, leading to

[7] (2005) 2 SCC 22

constant disturbance of mental peace. The relevant paragraphs of the judgment are extracted hereinbelow:

> "**12.** To constitute cruelty, the conduct complained of should be "grave and weighty" so as to come to the conclusion that the petitioner spouse cannot be reasonably expected to live with the other spouse. It must be something more serious than "ordinary wear and tear of married life". The conduct, taking into consideration the circumstances and background has to be examined to reach the conclusion whether the conduct complained of amounts to cruelty in the matrimonial law. Conduct has to be considered, as noted above, in the background of several factors such as social status of parties, their education, physical and mental conditions, customs and traditions. It is difficult to lay down a precise definition or to give exhaustive description of the circumstances, which would constitute cruelty. It must be of the type as to satisfy the conscience of the court that the relationship between the parties had deteriorated to such an extent due to the conduct of the other spouse that it would be impossible for them to live together without mental agony, torture or distress, to entitle the complaining spouse to secure divorce. Physical violence is not absolutely essential to constitute cruelty and a consistent course of conduct inflicting immeasurable mental agony and torture may well constitute cruelty within the meaning of Section 10 of the Act. Mental cruelty may consist of verbal abuses and insults by using filthy and abusive language leading to constant disturbance of mental peace of the other party.
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> **13.** The court dealing with the petition for divorce on the ground of cruelty has to bear in mind that the problems before it are those of human beings and the psychological changes in a spouse's conduct have to be borne in mind before disposing of the petition for divorce. However insignificant or trifling, such conduct may cause pain in the mind of another. But before the conduct can be called cruelty, it must touch a certain pitch of severity. It is for the court to weigh the gravity. It has to be seen whether the conduct was such that no reasonable person would tolerate it. It has to be considered whether the complainant should be called upon to endure as a part of normal human life. Every matrimonial conduct, which may cause annoyance to the other, may not amount to cruelty. Mere trivial irritations, quarrels between spouses, which happen in day-to-day married life, may also not amount to cruelty. Cruelty in matrimonial life may be of unfounded variety, which can be subtle or brutal. It may be words, gestures or by mere silence, violent or non-violent."
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> ***(emphasis supplied)***

38. Probably the most obvious act of cruelty, which by itself would constitute a ground for divorce, is the repeated threat and filing of police complaints by the Appellant against the Respondent and his family members.

39. On 27.08.2009, after the Respondent's mother and sister raised objections regarding the manner in which the child was being bathed, the Appellant reacted aggressively, created a violent scene at the Respondent's residence, engaged in a heated altercation with his mother and sister, and even called the police.

40. A similar episode was repeated in June 2011, when the Appellant again dialled '100' and called the police.

41. Further, on 03.08.2011, the Appellant once again provoked a quarrel, pre-emptively contacted the police, and arrived at the Respondent's residence accompanied by her family members. On this occasion, her family abused and assaulted the Respondent's mother and sister. It is on record that following this incident, the Appellant's father furnished a written undertaking to the police, affirming that neither the Appellant nor her family members would enter the Respondent's mother's residence.

42. Such threats and acts of intimidation create an environment of fear and hostility, rendering cohabitation intolerable. The Hon'ble Supreme Court in ***K. Srinivas Rao v. D.A. Deepa***[8] characterised such behaviour as portraying a "*vindictive mind*" that causes "*extreme mental cruelty*". The Apex Court further observed that while a spouse may act in desperation, filing false complaints is "wrong" and renders

[8] (2013) 5 SCC 226

the marriage "beyond repair". The relevant portion of the said judgment reads as follows:

> "**38.** Before parting, we wish to touch upon an issue which needs to be discussed in the interest of victims of the matrimonial disputes. Though in this case, we have recorded a finding that by her conduct, the respondent wife has caused mental cruelty to the appellant husband, we may not be understood, however, to have said that the fault lies only with the respondent wife. In matrimonial disputes there is hardly any case where one spouse is entirely at fault. But, then, before the dispute assumes alarming proportions, someone must make efforts to make parties see reason. In this case, if at the earliest stage, before the respondent wife filed the complaint making indecent allegations against her mother-in-law, she were to be counselled by an independent and sensible elder or if the parties were sent to a mediation centre or if they had access to a pre-litigation clinic, perhaps the bitterness would not have escalated. Things would not have come to such a pass if, at the earliest, somebody had mediated between the two. It is possible that the respondent wife was desperate to save the marriage. Perhaps, in desperation, she lost balance and went on filing complaints. It is possible that she was misguided. Perhaps, the appellant husband should have forgiven her indiscretion in filing complaints in the larger interest of matrimony. But, the way the respondent wife approached the problem was wrong. It portrays a vindictive mind. She caused extreme mental cruelty to the appellant husband. Now the marriage is beyond repair."
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> ***(emphasis supplied)***

43. The Respondent's testimony on this point, in this case, which was not shaken in cross-examination, firmly establishes this act of cruelty.

44. Another set of events also merits consideration. For instance, in May 2007, despite being duly informed about a family function organised by the Respondent on the occasion of the *Chudha Wadhana* ceremony, the Appellant chose to remove her *Chudha* unilaterally at her *guruji's* place, without informing or involving the Respondent. This act not only disregarded the Respondent's role but also caused him considerable embarrassment in the presence of his friends and relatives who had gathered for the function.

45. The Respondent also proved that the Appellant unilaterally decided to perform the child's *Mundan* ceremony at her *guruji's* place, deliberately disregarding the family's wish to hold it at Tirupati Balaji, Andhra Pradesh, in accordance with the wish of the Respondent's late father.

46. It is apparent from the record that the Appellant's behaviour remained unchanged, causing continued distress to the Respondent. Instances include the Appellant locking herself and the child in a room, imposing strict instructions that the child should not interact with the Respondent's mother or sister, and shouting at them when they attempted to show affection. Denying the Respondent and his family emotional and physical access to the child constitutes cruelty of a singular nature.

47. A Coordinate Bench of this Court in ***Kanwal Kishore Girdhar v. Seema Girdhar***[9] held that "*parental alienation*", where one parent intentionally turns the child against the other, is an "*extreme act of cruelty*". The Court further said that the Appellant's actions in alienating the child from his paternal family constitute a clear and painful instance of such cruelty. The relevant paragraphs of ***Kanwal Kishore Girdhar*** *(supra)* are reproduced hereinbelow:

> "**34.** In the case of ***Prabin Gopal vs. Meghna 2021 SCC OnLine Ker 2193*** in a similar situation, the Kerala High Court observed that the mother had intentionally distanced the child from the father and had deprived the child from the parental love and affection. It was a case of parental alienation where the child, who was in the custody of one parent, had been psychologically manipulated against the estranged parent. It was a strategy whereby one parent intentionally displayed to the child unjustified negativity aimed at the other parent, with the intent to damage the relationship between the child and the estranged parent and to turn the child emotionally against the parent. It was observed by Kerala High Court that the

[9] 2024 SCC OnLine Del 1468

> child has a right to love and affection of both the parents and likewise, the parents also have a right to receive love and affection of the child. Any act of any parent calculated to deny such affection to the other parent, amounts to alienating the child which amounts to mental cruelty. Since the child was in the custody of the mother, it was held that the mother had breached her duty which she owed as a custodian parent to instil love, affection and feelings in the child for the father. Nothing can be more painful than experiencing one's own flesh and blood i.e., the child, rejecting him or her. Such wilful alienation of the child amounts to mental cruelty.
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> **35.** This is a clear case of parental alienation where the respondent has not even spared her children and has involved them in her differences, with the appellant. Such conduct of making unsubstantiated allegations of adultery coupled with involving their child in the inter se disputes between the parties, can be termed as nothing but an extreme act of cruelty."
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> ***(emphasis supplied)***

48. The record of the appeal also shows that due to the Appellant's rigid behaviour and constant conflicts with the Respondent's mother and sister, the Respondent was compelled to comply with her demands and live at her parental home from August 2009 to May 2010, against his wishes, in an attempt to salvage the marriage. However, this yielded no positive result.

49. The Appellant consistently asserted that she did not wish to live in a joint family setup and pressured the Respondent to partition the family property and live separately from his widowed mother and divorced sister. While the mere desire to live separately is not cruelty, persistent and pressurising conduct to sever the Respondent's bonds with his family certainly is. The Hon'ble Supreme Court in ***Narendra v. K. Meena***[10] held that a wife's persistent effort to alienate a husband from his parents constitutes mental cruelty. The relevant paragraph is extracted below:

[10] (2016) 9 SCC 455

> "**14.** In the opinion of the High Court, the wife had a legitimate expectation to see that the income of her husband is used for her and not for the family members of the respondent husband. We do not see any reason to justify the said view of the High Court. As stated hereinabove, in a Hindu society, it is a pious obligation of the son to maintain the parents. If a wife makes an attempt to deviate from the normal practice and normal custom of the society, she must have some justifiable reason for that and in this case, we do not find any justifiable reason, except monetary consideration of the respondent wife. In our opinion, normally, no husband would tolerate this and no son would like to be separated from his old parents and other family members, who are also dependent upon his income. The persistent effort of the respondent wife to constrain the appellant to be separated from the family would be tortuous for the husband and in our opinion, the trial court was right when it came to the conclusion that this constitutes an act of "cruelty"."
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> ***(emphasis supplied)***

50. In the present case, the Respondent has successfully demonstrated a sustained pattern of pressure, humiliation, threats, and alienation. Taken together, these acts go well beyond the "*ordinary wear and tear of married life*" and constitute mental cruelty of such gravity that the Respondent cannot reasonably be expected to endure them.

51. As regards the contention of the Appellant that the learned Family Court failed to consider her petition under Section 9 of the HMA and yet proceeded to grant divorce under Section 13(1)(ia) of the HMA at the instance of the Respondent, we find no merit in the argument.

52. Once, upon examination of the common evidence led in both petitions, the learned Family Court concluded that cruelty stood established, the grant of divorce necessarily rendered the Section 9 petition infructuous. In such circumstances, there was neither occasion nor necessity for the learned Family Court to separately adjudicate

upon the Section 9 petition, which would in any event fail as a natural consequence of the decree of divorce.

(b) Violation of the Principles of Natural Justice

53. On the grievance that the Appellant was denied a fair opportunity, it is well settled that the core of natural justice lies in ensuring that no party suffers for want of an opportunity to present their case. To appreciate the Appellant's contention that her evidence was closed in breach of natural justice, it is necessary to examine the sequence of orders passed by the learned Family Court.

54. The record as before us reveals that, far from being denied an opportunity, the Appellant repeatedly indulged in seeking adjournments for leading her evidence. After the closure of the Respondent-husband's evidence, the order dated 12.01.2021 of the learned Family Court shows that though the affidavit of evidence of the Appellant was filed, it had not been tendered. On that day, the proxy counsel for the Appellant sought adjournment on the ground that her counsel was unavailable, and the request was allowed.

55. The following tabulation further reflects the indulgence repeatedly granted to the Appellant since March 2022, by the learned Family Court:

Order Dated	**Proceeding before the learned Family Court**
09.03.2022	Due to the unavailability of the Appellant's counsel, the Court granted, "last and final opportunity" in the interest of justice.
19.04.2022	Appellant absented, citing medical issues. The Court granted another "last and final" opportunity, directing her to produce medical records. Adjourned

	to 30.04.2022.
30.04.2022	Appellant absented again. The court directed her to produce medical records. Adjourned to 02.05.2022.
02.05.2022	Bills were produced, but the Court noted they did not establish that the Appellant was incapable of appearing or deposing before the Court. Bills relating to her son were discarded, noting he was not called as a witness. Yet again, one "last and final" opportunity was granted.
18.07.2022	Case adjourned to 01.08.2022 at Appellant and her counsel's convenience, with a note that no further adjournment would be granted.
01.08.2022	Adjourned to 22.08.2022.
22.08.2022	Adjournment sought by the Respondent was allowed, but again noted as the "last and final opportunity".
23.09.2022	Examination-in-chief of the Appellant was recorded. Cross-examination deferred at the request of Respondent's counsel. Case adjourned to 29.10.2022.

56. Of particular significance is the order dated 29.10.2022. Noting the long pendency of the matter (*over a decade*) and repeated defaults, the learned Family Court nevertheless afforded one further "*last and final*" opportunity to the Appellant for cross-examination on 29.11.2022. The relevant portion of the said order dated 29.10.2022 reads as under:

> "Today the matter is listed for cross examination of respondent. Respondent is not available today. No reasonable explanation has been tendered for the absence of the respondent. Ld. Counsel for respondent is also not present. It is submitted by the proxy counsel present in court that the father in law of the Ld. Counsel for respondent had expired, hence, he is unable to appear in court today.
>
> Ld. Counsel for petitioner is also not present. Even the petitioner is not available today. From perusal of the file, it is clear that repeated reminders have been mentioned in the order sheet that the case is more than 10 years old and the parties had been advised to take diligent steps, despite that parties are not appearing for cross examination and evidence. Even if Ld. Counsel for respondent is not appearing due to personal difficulty, respondent could have appeared for cross examination as the cross examination of RWl could be conducted by the Ld. Counsel for petitioner only. Since Ld. Counsel for petitioner is also not available today and no reasonable explanation has been tendered for the absence of the respondent as well as Ld. Counsel for petitioner, in the interest of justice, one last and final opportunity is granted for cross examination of RW-1 on 29.11.2022. **Date is given as per the convenience of parties. No Adjournment under any circumstances shall be granted to any of the parties**.
>
> ***(emphasis supplied)***

57. However, on 29.11.2022, neither the Appellant nor her counsel appeared despite repeated calls, leading to the closure of her evidence. The case was then posted for final arguments on 11.01.2023. The order dated 29.11.2022 is recorded as follows:

> "None has appeared on behalf of respondent since morning despite several calls. It is already 2.30 PM. Since no evidence has been led by respondent despite several opportunity granted to respondent. Hence, respondent's evidence is closed.
>
> Put up for final arguments on 11.01.2023."
>
> ***(emphasis supplied)***

58. In the second week of January 2023, the Appellant moved an application before the learned Family Court under Section 151 of the CPC seeking to reopen her evidence, citing illness and her counsel's personal difficulties on 29.11.2022. The learned Family Court, on 11.01.2023, rejected the application. It noted that the explanations

offered were found to be unconvincing and no cogent medical record was produced, and that the case had already remained pending for over ten years due to repeated adjournments at her instance. The learned Family Court observed vide order dated 11.01.2023 as follows:

> "The respondent has moved an application under Sec.151 CPC seeking re-opening of her evidence which was closed on the previous date i.e. 29.11.2022.
>
> It is stated in the application that counsel for the respondent could not appear on 29.11.2022 due to personal reasons whereas respondent fell sick and she could not appear before the court.
>
> The application is also accompanied with the request for condonation of delay on the ground that counsel came to know about the order after few days and only after contacting the petitioner counsel prepared the application and accordingly delay was caused.
>
> The application is strongly opposed by the other side referring to the previous conduct of the respondent as reflected through proceedings recorded during the course of the case.
>
> On perusal of the record and considering the facts and circumstances, I am of the opinion that respondent does not deserve to get the relief prayed for through the applications. Repeated adornments were taken on behalf of respondent for the purpose of leading her evidence.
>
> On 29.10.2022, the court was not inclined to grant adjournment but considering personal difficulty of the counsel, last and final opportunity was granted for 29.11.2022, despite the absence of respondent. However, again on 29.11.2022, there was no appearance either by the counsel for the respondent or by respondent herself and hence the order was passed for closure of evidence.
>
> The reasons detailed in the present applications are nothing but lame excuses. The respondent has failed to show any sincerity on her part despite that the matter is 10 years old. Even the present application has been moved after the expiry of period of limitation. If the respondent and her counsel had sufficient reasons, they could have apprised the court about the difficulty on 29.11.2022. No indulgence can be shown in favour of the respondent in these circumstances. The applications have no merit or substance and therefore dismissed.
>
> Final arguments advanced by the counsel for the petitioner.
>
> Matter reserved for judgment for 21.01.2023.

Both the parties are at liberty to file their written submissions."

(emphasis supplied)

59. In light of these facts, it cannot be said that the Appellant was denied opportunities to present her case or participate in the proceedings. The reluctance and consistent failure on the part of the Appellant to partake in the proceedings and avail the numerous opportunities presented to her, would in our opinion, not constitute a violation of the rule of *audi alteram partem*.

60. *Au contraire*, the record demonstrates that she was afforded repeated opportunities over the relevant period. The learned Trial Court has examined the documents submitted by the Appellant and found that the same do not justify the grant of any indulgence. We too have perused the medical documents on the basis of which the Appellant is seeking relief and find that most of the documents do not pertain to the relevant dates on which the matter was listed.

61. No party can be permitted to abuse the process of the Court, thereby prolonging disposal and adding to the staggering pendency of cases. Such conduct not only exacerbates the frustration and angst of litigating parties but to our mind also contributes to an avoidable gradual erosion in the faith reposed upon the judicial system. The closure of the Appellant's evidence was the natural concomitant of the repeated and consistent default on her part. The dismissal of the Appellant's application to reopen evidence was, therefore, a proper exercise of discretion by the learned Family Court.

62. As regards the contention that the Appellant was denied the right to oral arguments, the order dated 11.01.2023 makes it clear that while the Respondent's final arguments were heard, both parties were

expressly granted liberty to file written submissions. Despite this opportunity, as the record reflects, the Appellant failed to file even her written submissions.

63. It is imperative to underscore that matrimonial disputes are intended by law to be resolved with utmost expedition. Prolonged pendency, extending over more than a decade as in the present case, not only frustrates the purpose of the litigation but also defeats the very object for which Section 21B was inserted into the HMA (by the 1976 amendment) and subsequently reinforced by the enactment of the FC Act. Both legislations unequivocally mandate that matrimonial disputes must not be permitted to drag on indefinitely. This legislative command reflects the social necessity for timely adjudication in matters concerning marriage and family. Section 21B of the HMA reads as follows:

> "**21B. Special provision relating to trial and disposal of petitions under the Act. -** (1) The trial of a petition under this Act shall, so far as is practicable consistently with the interests of justice in respect of the trial, be continued from day to day until its conclusion unless the court finds the adjournment of the trial beyond the following day to be necessary for reasons to be recorded.
> (2) Every petition under this Act shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date of service of notice of the petition on the respondent.
> (3) Every appeal under this Act shall be heard as expeditiously as possible, and endeavour shall be made to conclude the hearing within three months from the date of service of notice of appeal on the respondent."
>
> ***(emphasis Supplied)***

64. The Hon'ble Supreme Court has, time and again, emphasised the same principle. In ***Bhuwan Mohan Singh v. Meena***[11], the Court strongly deprecated the routine grant of adjournments in Family

[11] (2015) 6 SCC 353

Courts, observing that such delays cause immense hardship and render the purpose of the law nugatory. The Apex Court poignantly observed that procrastination is "the greatest assassin" of matrimonial litigation, breeding bitterness, emotional fragmentation, and aggravating the suffering of parties. The Family Court Judges, therefore, must remain sensitive, vigilant, and firmly curb dilatory tactics. Delay in such cases is not a mere procedural lapse but a substantive injustice. The relevant paragraphs of the said judgment read as follows:

> "**13.** …….. It is unfortunate that the case continued for nine years before the Family Court. It has come to the notice of the Court that on certain occasions the Family Courts have been granting adjournments in a routine manner as a consequence of which both the parties suffer or, on certain occasions, the wife becomes the worst victim. When such a situation occurs, the purpose of the law gets totally atrophied. The Family Judge is expected to be sensitive to the issues, for he is dealing with extremely delicate and sensitive issues pertaining to the marriage and issues ancillary thereto. When we say this, we do not mean that the Family Courts should show undue haste or impatience, but there is a distinction between impatience and to be wisely anxious and conscious about dealing with a situation. A Family Court Judge should remember that the procrastination is the greatest assassin of the lis before it. It not only gives rise to more family problems but also gradually builds unthinkable and Everestine bitterness. It leads to the cold refrigeration of the hidden feelings, if still left. The delineation of the lis by the Family Judge must reveal the awareness and balance. Dilatory tactics by any of the parties has to be sternly dealt with, for the Family Court Judge has to be alive to the fact that the lis before him pertains to emotional fragmentation and delay can feed it to grow. We hope and trust that the Family Court Judges shall remain alert to this and decide the matters as expeditiously as possible keeping in view the Objects and Reasons of the Act and the scheme of various provisions pertaining to grant of maintenance, divorce, custody of child, property disputes, etc."

65. In ***Santhini v. Vijaya Venketesh***[12], this principle was reaffirmed with clarity. The Hon'ble Supreme Court, after examining the legislative history and scheme of the FC Act, held that matrimonial

[12] (2018) 1 SCC 1

disputes must not be allowed to meander endlessly. The very *raison d'être* of Family Courts is to secure the speedy settlement of matrimonial and family disputes, while simultaneously promoting conciliation. Failure to adhere to this mandate corrodes relationships, undermines the institution of marriage, and has wider repercussions on society itself. The Family Court Judges must therefore strike a balance between patience during reconciliation efforts and firmness against procrastination, for justice delayed in family disputes is often justice irretrievably denied. The relevant portion of the said judgment reads as follows:

> "**11.** Having stated thus, it is necessary to appreciate the legislative purpose behind the 1984 Act. The Family Courts have been established for speedy settlement of family disputes. The Statement of Objects and Reasons reads thus:
>
> "***Statement of Objects and Reasons***
>
> **1.** Several associations of women, other organisations and individuals have urged, from time to time, that Family Courts be set up for the settlement of family disputes, where emphasis should be laid on conciliation and achieving socially desirable results and adherence to rigid rules of procedure and evidence should be eliminated. The Law Commission in its 59th Report (1974) had also stressed that in dealing with disputes concerning the family the court ought to adopt an approach radically different from that adopted in ordinary civil proceedings and that it should make reasonable efforts at settlement before the commencement of the trial. The Code of Civil Procedure was amended in 1976 to provide for a special procedure to be adopted in suits or proceedings relating to matters concerning the family. However, not much use has been made by the courts in adopting this conciliatory procedure and the courts continue to deal with family disputes in the same manner as other civil matters and the same adversary approach prevails. The need was, therefore, felt, in the public interest, to establish Family Courts for speedy settlement of family disputes.
>
> **2.** The Bill inter alia, seeks to—
>
> (*a*) provide for establishment of Family Courts by the State Governments;

(*b*) make it obligatory on the State Governments to set up a Family Court in every city or town with a population exceeding one million;

(*c*) enable the State Governments to set up, such courts, in areas other than those specified in (*b*) above.

(*d*) exclusively provide within the jurisdiction of the Family Courts the matters relating to—

(*i*) matrimonial relief, including nullity of marriage, judicial separation, divorce, restitution of conjugal rights, or declaration as to the validity of a marriage or as to the matrimonial status of any person;

(*ii*) the property of the spouses or of either of them;

(*iii*) declaration as to the legitimacy of any person;

(*iv*) guardianship of a person or the custody of any minor;

(*v*) maintenance, including proceedings under Chapter IX of the Code of Criminal Procedure;

(*e*) make it obligatory on the part of the Family Court to endeavour, in the first instance to effect a reconciliation or a settlement between the parties to a family dispute. During this stage, the proceedings will be informal and the rigid rules of procedure shall not apply;

(*f*) provide for the association of social welfare agencies, counsellors, etc., during conciliation stage and also to secure the services of medical and welfare experts;

(*g*) provide that the parties to a dispute before a Family Court shall not be entitled, as of right, to be represented by legal practitioner. However, the court may, in the interest of justice, seek assistance of a legal expert as amicus curiae,

(*h*) simplify the rules of evidence and procedure so as to enable a Family Court to deal effectively with a dispute;

(*i*) provide for only one right of appeal which shall lie to the High Court.

3. The Bill seeks to achieve the above objects."

12. The Preamble of the 1984 Act provides for the establishment of Family Courts with a view to promote conciliation in, and secure speedy settlement of disputes relating to marriage and family affairs and for matters connected therewith.

13. Presently, we may recapitulate how this Court has dealt with the duty and responsibility of the Family Court or a Family Court Judge. In *Bhuwan Mohan Singh* v. *Meena* [*Bhuwan Mohan Singh* v. *Meena*, (2015) 6 SCC 353 : (2015) 3 SCC (Civ) 321 : (2015) 4 SCC (Cri) 200] , the two-Judge Bench referred to the decision in *K.A. Abdul Jaleel* v. *T.A. Shahida* [*K.A. Abdul Jaleel* v. *T.A. Shahida*, (2003) 4 SCC 166 : 2003 SCC (Cri) 810] and laid stress on securing speedy settlement of disputes relating to marriage and family affairs. Emphasising on the role of the Family Court Judge, the Court in *Bhuwan Mohan Singh* [*Bhuwan Mohan Singh* v. *Meena*, (2015) 6 SCC 353 : (2015) 3 SCC (Civ) 321 : (2015) 4 SCC (Cri) 200] expressed its anguish as the proceedings before the Family Court had continued for a considerable length of time in respect of application filed under Section 125 of the Code of Criminal Procedure (CrPC). The Court observed : (*Bhuwan Mohan Singh case* [*Bhuwan Mohan Singh* v. *Meena*, (2015) 6 SCC 353 : (2015) 3 SCC (Civ) 321 : (2015) 4 SCC (Cri) 200] , SCC p. 360, para 13)

> "*13.* … It has come to the notice of the Court that on certain occasions the Family Courts have been granting adjournments in a routine manner as a consequence of which both the parties suffer or, on certain occasions, the wife becomes the worst victim. *When such a situation occurs, the purpose of the law gets totally atrophied. The Family Judge is expected to be sensitive to the issues, for he is dealing with extremely delicate and sensitive issues pertaining to the marriage and issues ancillary thereto. When we say this, we do not mean that the Family Courts should show undue haste or impatience, but there is a distinction between impatience and to be wisely anxious and conscious about dealing with a situation. A Family Court Judge should remember that the procrastination is the greatest assassin of the lis before it. It not only gives rise to more family problems but also gradually builds unthinkable and Everestine bitterness. It leads to the cold refrigeration of the hidden feelings, if still left*. The delineation of the lis by the Family Judge must reveal the awareness and balance. Dilatory tactics by any of the parties has to be sternly dealt with, for the Family Court Judge has to be alive to the fact that the lis before him pertains to emotional fragmentation and delay can feed it to grow."
>
> (emphasis supplied)

And again : (SCC p. 360, para 13)

> "*13.* … We hope and trust that the Family Court Judges shall remain alert to this and decide the matters as expeditiously as possible keeping in view the Objects and Reasons of the Act and the scheme of various provisions pertaining to grant of maintenance, divorce, custody of child, property disputes, etc."

14. The said passage makes it quite clear that a Family Court Judge has to be very sensitive to the cause before it and he/she should be conscious about timely delineation and not procrastinate the matter as delay has the potentiality to breed bitterness that eventually corrodes the emotions. The court has been extremely cautious while stating about patience as a needed quality for arriving at a settlement and the need for speedy settlement and, if not possible, proceeding with meaningful adjudication. There must be efforts for reconciliation, but the time spent in the said process has to have its own limitation.

15. In *Shamima Farooqui* v. *Shahid Khan* [*Shamima Farooqui* v. *Shahid Khan*, (2015) 5 SCC 705 : (2015) 3 SCC (Civ) 274 : (2015) 2 SCC (Cri) 785] , after referring to the earlier decisions, especially the abovequoted passages, the Court expressed : (SCC p. 714, para 13)

> "*13.* When the aforesaid anguish was expressed, the predicament was not expected to be removed with any kind of magic. However, the fact remains, these litigations can really corrode the human relationship not only today but will also have the impact for years to come and has the potentiality to take a toll on the society. It occurs either due to the uncontrolled design of the parties or the lethargy and apathy shown by the Judges who man the Family Courts. As far as the first aspect is concerned, it is the duty of the courts to curtail them. *There need not be hurry but procrastination should not be manifest, reflecting the attitude of the court. As regards the second facet, it is the duty of the court to have the complete control over the proceeding and not permit the lis to swim the unpredictable grand river of time without knowing when shall it land on the shores or take shelter in a corner tree that stands "still" on some unknown bank of the river*. It cannot allow it to sing the song of the brook. "Men may come and men may go, but I go on forever." This would be the greatest tragedy that can happen to the adjudicating system which is required to deal with most sensitive matters between the man and wife or other family members relating to matrimonial and domestic affairs. There has to be a proactive approach in this regard and the said approach should be instilled in the Family Court

> Judges by the Judicial Academies functioning under the High Courts. For the present, we say no more."
>
> (emphasis supplied)
>
> **16.** The object of stating this is that the legislative intent, the schematic purpose and the role attributed to the Family Court have to be perceived with a sense of sanctity. The Family Court Judge should neither be a slave to the concept of speedy settlement nor should he be a serf to the proclivity of hurried disposal abandoning the inherent purity of justice dispensation system. The balanced perception is the warrant and that is how the scheme of the 1984 Act has to be understood and appreciated."

66. In the present case, despite the matrimonial petition having been instituted in 2012, it languished before the learned Family Court until 2023. The Respondent concluded his evidence before 2021, but the Appellant wilfully delayed the matter, seeking adjournments or deliberately abstaining from proceedings for nearly two years before commencing her evidence. Such conduct cannot be condoned; it reflects gross indifference and amounts to misuse of the judicial process. The Appellant cannot be permitted to benefit from her own recalcitrance, for to do so would be to reward indolence and penalise diligence, thereby inverting the very foundations of justice.

67. In light of the above, we are firmly of the view that there has been no breach of natural justice in the procedure adopted by the learned Family Court. On the contrary, the record demonstrates that the Appellant was afforded ample and repeated opportunities to present her case, all of which she chose not to utilise. The Family Court was, in fact, justified in closing her evidence and proceeding to judgment, lest the litigation be consigned to endless uncertainty. To fault the Family Court in these circumstances would be to condone abuse of process and negate the very objectives of Section 21B of the HMA and the FC Act.

CONCLUSION:

68. In view of the foregoing discussions, the Impugned Judgment dated 21.01.2023 passed by the learned Family Court in HMA Petition No. 5861631/2016, whereby the marriage between the Appellant-Wife and the Respondent-Husband was dissolved on the ground of cruelty under Section 13(1)(ia) of the HMA, warrants no interference and merits affirmation.

69. Accordingly, the present appeal stands dismissed.

70. The present appeal, along with pending application(s), if any, is accordingly dismissed.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.

SEPTEMBER 16, 2025/sm/ds/rn