
PART I – SUPREME COURT JUDGMENTS

(i) MAINTENANCE

[Rajnish v. Neha, 2020 SCC OnLine SC 903](#)

Ratio:

The Supreme Court laid down comprehensive and uniform guidelines governing maintenance across statutes, mandating disclosure of financial status, standardised criteria for determination, and avoidance of conflicting orders.

Important Points:

- Mandatory affidavit of assets
- Maintenance from date of application
- Uniformity across statutes

[Bhuvan Mohan Singh v. Meena, 2014 SCC OnLine SC 560](#)

Ratio:

Maintenance is a social justice measure ensuring dignity and not mere subsistence.

Important Points:

- Prevents destitution
- Reflects dignity
- Must be realistic

[Rajiv Varghese v. Rosy Francis, 2024 SCC OnLine SC 3367](#)

Ratio:

Maintenance must reflect the standard of living enjoyed in the matrimonial home.

Important Points:

- Dignity principle
 - Lifestyle continuity
 - Interim relief realistic
-

Kanchana Rai v. Geeta Sharma, 2026 SCC OnLine SC 59

Ratio:

Widowed daughter-in-law is entitled to maintenance from father-in-law's estate.

Important Points:

- Dependent under statute
 - Estate liability
 - Welfare-based approach
-

Yamunabai Anantrao Adhav v. Anantrao Shivram Adhav, 1988 SCC OnLine SC 62

Ratio:

A woman whose marriage is void ab initio (due to subsistence of a prior valid marriage of the husband) is not entitled to maintenance under Section 125 Cr.P.C., as she does not fall within the definition of "wife" under the provision.

Important Points:

- Section 125 Cr.P.C. applies only to a legally wedded wife.
 - A second marriage during the subsistence of the first is void under Hindu law.
 - Equity cannot override statutory limitation of the term "wife."
 - This judgment reflects a strict interpretation of personal law in maintenance claims.
-

Savitaben Somabhat Bhatiya v. State of Gujarat, 2005 SCC OnLine SC 520

Ratio:

A woman who knowingly enters into a marriage with a man having a living spouse is not entitled to maintenance under Section 125 Cr.P.C., as such marriage is void and she is not a "wife" in the legal sense.

Important Points:

- Reinforces the principle laid down in Yamunabai.
 - Knowledge of subsisting marriage is relevant in denying relief.
 - Section 125 Cr.P.C. does not extend to relationships void under personal law.
 - Highlights the limitations of beneficial legislation when statutory wording is clear.
-

Chanmuniya v. Virendra Kumar Singh Kushwaha, 2010 SCC OnLine SC 1135**Ratio:**

The Supreme Court adopted a progressive and purposive interpretation of Section 125 Cr.P.C., recommending that women in relationships akin to marriage (including those not strictly valid marriages) should be entitled to maintenance to prevent destitution.

Important Points:

- Advocates broad interpretation of “wife” in line with social justice.
 - Recognizes live-in relationships and de facto marriages.
 - Emphasizes the object of Section 125: prevention of vagrancy and destitution.
 - Matter referred to a larger Bench, indicating evolving jurisprudence.
-

Lalita Toppo v. State of Jharkhand, 2018 SCC OnLine SC 2301**Ratio:**

A woman in a live-in relationship is not entitled to maintenance under Section 125 Cr.P.C. if she does not qualify as a “wife,” but she may seek relief under the Protection of Women from Domestic Violence Act, 2005.

Important Points:

- Distinguishes between remedies under Cr.P.C. and DV Act.
 - Expands protection through alternative statutory frameworks.
 - Recognizes domestic relationships beyond marriage.
 - Ensures women are not left remediless despite technical disqualification under Section 125.
-

Mohd. Ahmed Khan v. Shah Bano Begum, 1985 SCC OnLine SC 132

Ratio:

A Muslim divorced woman is entitled to maintenance under Section 125 Cr.P.C. if she is unable to maintain herself, and such liability of the husband extends beyond the iddat period.

Important Points:

- Section 125 Cr.P.C. is a secular provision applicable to all religions.
 - Maintenance is a measure to prevent destitution and vagrancy.
 - Husband's liability is not confined to iddat period.
 - Landmark judgment advancing women's rights and social justice.
 - Led to legislative response via the Muslim Women (Protection of Rights on Divorce) Act, 1986.
-

Shalu Ojha v. Prashant Ojha, 2014 SCC OnLine SC 734

Ratio:

High Court cannot accept counsel's statement to withdraw maintenance claim without verifying instructions from the party.

Important Points:

- Maintenance order must be executed before appeal is heard
 - Sessions Court's power to stay maintenance order under DV Act is doubtful.
-

(ii) DIVORCE & CRUELTY

KM v. KK, 2026 SCC OnLine SC 448

Ratio:

Foreign divorce decrees are not enforceable unless compliant with Indian law under Section 13 CPC.

Important Points:

- Foreign grounds not binding
- Indian law prevails
- Article 142 may apply

XXX v. YYY, 2026 SCC OnLine SC 544

Ratio:

Supreme Court may dissolve marriage under Article 142 to bring finality and prevent multiplicity of litigation.

Important Points:

- Complete justice doctrine
 - Ends litigation
 - Settlement enforceable
-

Dhananjay Rathi v. Ruchika Rathi, 2026 SCC OnLine SC 587

Ratio:

Parties cannot withdraw from mediated settlements without valid legal grounds.

Important Points:

- Settlement sanctity
 - Limited grounds to withdraw
 - Promotes finality
-

Amardeep Singh v. Harveen Kaur, 2017 SCC OnLine SC 1073

Ratio:

The six-month cooling-off period prescribed under Section 13B(2) of the Hindu Marriage Act for mutual consent divorce is **not mandatory but directory**, and can be waived by the court where circumstances justify.

Important Points:

- The object of the cooling-off period is to enable **reconciliation**, not to prolong suffering.
- Courts may waive the period if:
 - Parties have lived separately for a long time,
 - All efforts at mediation have failed,
 - There is no likelihood of reunion.
- Promotes **expeditious disposal** of matrimonial disputes.

- Recognizes **party autonomy** in ending irretrievably broken marriages.
-

Rathnamma v. M. Chandrashekar, 2023 SCC OnLine SC 234

Ratio:

In matrimonial disputes, **long separation and irretrievable breakdown of marriage** can be considered by the Supreme Court (under Article 142) to dissolve a marriage, even where statutory grounds may not strictly apply.

Important Points:

- Emphasizes **pragmatic justice over technicalities**.
 - Recognizes prolonged separation as a **relevant circumstance**.
 - Supreme Court can exercise **extraordinary powers under Article 142**.
 - Reinforces the trend toward acknowledging **irretrievable breakdown** as a ground in practice.
-

Sivasankaran v. Santhimeenal, 2020 SCC OnLine SC 559

Ratio:

Irretrievable breakdown of marriage, coupled with prolonged litigation and separation, justifies dissolution of marriage by the Supreme Court in exercise of powers under Article 142 of the Constitution.

Important Points:

- Highlights **mental agony caused by prolonged litigation**.
 - Courts should avoid forcing parties to remain in a **dead marriage**.
 - Reaffirms that irretrievable breakdown is not a statutory ground but can be applied by SC.
 - Focuses on **complete justice between parties**.
-

Raj Talreja v. Kavita Talreja, 2017 SCC OnLine SC 462

Ratio:

False, reckless, and defamatory allegations made by one spouse against the other (including against their family members) amount to **mental cruelty**, constituting a valid ground for divorce.

Important Points:

- Filing **false criminal complaints** can amount to cruelty.
 - Allegations must be **serious and unfounded** to qualify.
 - Mental cruelty includes conduct causing **deep anguish and humiliation**.
 - Courts must assess cruelty in light of **social status and circumstances**.
-

Shayara Bano v. Union of India, 2017 SCC OnLine SC 963

Ratio:

The practice of instant triple talaq (talaq-e-biddat) is unconstitutional as it is arbitrary and violates fundamental rights under the Constitution.

Important Points:

- Declared talaq-e-biddat void.
 - Strengthens gender justice in Muslim personal law.
 - Applies constitutional morality over personal law practices.
 - Landmark step toward uniform protection of women's rights
-

Rakesh Raman v. Kavita, 2023 SCC OnLine SC 497

Ratio:

Continuation of an irretrievably broken down marriage spells cruelty to both parties and can be read as a ground for divorce under Section 13(1)(ia) of the Hindu Marriage Act, 1955.

Important Points:

- Irretrievable breakdown reads as cruelty under Section 13(1)(ia)
 - 25 years separation with no child — conclusive proof of breakdown
 - Repeated criminal cases ending in acquittal amounts to cruelty
 - Entire matrimonial relationship to be seen, not isolated acts
 - Cruelty need not be intentional — effect is determinative
 - Permanent alimony of Rs. 30 Lakhs awarded
-

Samar Ghosh v. Jaya Ghosh, 2007 SCC OnLine SC 423

Ratio:

Mental cruelty must be assessed cumulatively on entire matrimonial relationship; long separation itself constitutes mental cruelty.

Important Points:

- No comprehensive definition of mental cruelty possible; varies case to case
 - Effect of conduct paramount — cruelty need not be intentional or violent
 - Unilateral refusal of cohabitation or decision not to have children amounts to mental cruelty
 - Long continuous separation renders matrimonial bond beyond repair — amounts to mental cruelty
 - Cumulative effect of acts to be seen, not each act in isolation
-

Lachman Utamchand Kirpalani v. Meena alias Mota, 1963 SCC Online SC 32

Ratio: Desertion requires both factum of separation and animus deserendi; conduct of deserted spouse providing just cause to the deserting spouse may bring desertion to an end.

Important Points:

- Two essentials of desertion — factum of separation and animus deserendi — must coexist
 - Burden of proving desertion without just cause lies throughout on the petitioning spouse
 - Offer to return, if genuine and sincere, brings desertion to an end
 - Conduct of deserted spouse — such as false imputations of unchastity — may provide just cause to deserting spouse to remain awayisolation
-

(iii) PARENTAGE & OTHER ASPECTS.

R. Rajendran v. Kumar Nisha, 2025 SCC OnLine SC 2372

Ratio:

DNA testing cannot be ordered routinely unless presumption under Section 112 Evidence Act is rebutted.

Important Points:

- Strong presumption of legitimacy
- Privacy protection
- Exceptional cases only

Gohar Sultan v. Sheikh Anis Ahmad, 2026 SCC OnLine SC 246**Ratio:**

Failure to implement statutory mandates under personal law invites judicial scrutiny.

Important Points:

- Administrative accountability
 - Statutory compliance
 - Wider implications
-

Renubala Moharana v. Mina Mohanty, 2004 SCC Online SC 371**Ratio:**

Family Court can incidentally consider legitimacy of a child while deciding guardianship/custody but cannot grant a standalone declaration of illegitimacy.

Important Points:

- No declaratory relief on illegitimacy as primary relief
 - Status of minor can be considered collaterally in custody proceedings
 - Natural mother with no adverse allegation is natural guardian
-

PART II – HIGH COURT JUDGMENTS

A. MAINTENANCE & ECONOMIC JUSTICE

Rakesh Ray v. Priti Ray, 2026 SCC OnLine Del 757

Ratio: Homemaker contribution has economic value; capacity prevails over income.

Points: Real earning capacity; status relevant

Rinki Chakraborty v. State of WB, 2025 SCC OnLine Cal 7647

Ratio: Able-bodied husband cannot evade maintenance by pleading unemployment.

Points: Capacity to earn; dignity standard

Suman Verma v. State of U.P., 2026 SCC OnLine All 14

Ratio: Domestic role does not disentitle maintenance.

Points: Social reality; reassessment

Vineeta v. Dr. Ved Prakash Singh, 2026 SCC OnLine All 79

Ratio: Genuine incapacity may negate maintenance obligation.

Points: Fact-specific; fairness

B. DIVORCE & CRUELTY

X v. Y, 2026 SCC OnLine Jhar 24

Ratio: Blackmail using private photographs constitutes mental cruelty.

Ranthi Kumari Devi v. Suresh Kumar Sahu, 2026 SCC OnLine Jhar 63

Ratio: Concealment of criminal history amounts to cruelty.

Poonam v. Naveen, 2024 SCC OnLine MP 7375

Ratio: Forcing spouse to quit job is mental cruelty.

H v. R, 2025 SCC OnLine MP 6399

Ratio: Attempt of self-immolation constitutes grave cruelty.

C. CUSTODY & CHILD WELFARE

Laxmikant Joshi v. Lokeshwari, 2026 SCC OnLine Chh 915

Ratio: Welfare of child prevails over financial superiority.

Amit Sharma v. Sugandha Sharma, 2024 SCC OnLine Del 4655

Ratio: Custody determined solely by best interest of child.

Navya v. State of H.P., 2024 SCC OnLine HP 5658

Ratio: Children of void marriage entitled to legal recognition.

D. EVIDENCE & PRIVACY

X v. Y, 2026 SCC OnLine MP 428

Ratio: DNA testing permissible only when necessary.

Bhupendra Kushwaha v. Priyanshi Kushwaha, 2026 SCC OnLine MP 379

Ratio: Virginity test unconstitutional and impermissible.

E. PROCEDURE & JURISDICTION

Y v. Z, 2025 SCC OnLine MP 8064

Ratio: Divorce decree invalid without trial procedure.

Riya Suralkar v. Rahul Suralkar, 2025 SCC OnLine Bom 4106

Ratio: Ex parte decree requires judicial scrutiny.

F. PROPERTY, STRIDHAN & RIGHTS

X v. Y, 2025 SCC OnLine Ker 2661

Ratio: Stridhan is absolute property of wife.

Krishna Kumar Gupta v. Priti Gupta, 2025 SCC OnLine All 3190

Ratio: Section 27 HMA not independent remedy.

G. AUTONOMY & LIBERTY

Ajay Kumar Sahoo v. State of Orissa, 2026 SCC OnLine Ori 101

Ratio: Consent is foundation of valid marriage.

Arun Pandey v. Neha Pandey, 2024 SCC OnLine All 6955

Ratio:

Pendente lite maintenance under Section 24 HMA is intended to ensure effective participation in proceedings and sustain the spouse during litigation.

Important Points:

- Includes litigation expenses
 - Ensures equality in contest
 - Based on financial capacity
-

Purvi Mukesh Gada v. Mukesh Popatlal Gada, 2025 SCC OnLine Bom 4371

Ratio:

Suppression or misrepresentation of income by a spouse justifies enhancement of maintenance through adverse inference.

Important Points:

- Duty of disclosure
 - Courts may estimate income
 - Lifestyle relevant
-

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

Ratio:

Permanent alimony is a welfare-oriented provision aimed at securing long-term financial stability, especially where minor children are involved.

Important Points:

- Lump sum permissible
 - Child-centric approach
 - Not punitive
-

Mahendra Prasad v. Bindu Devi, 2024 SCC OnLine All 7729

Ratio:

Long and continuous separation without cohabitation demonstrates breakdown of marital obligations and constitutes mental cruelty.

Pawan Kumar Pandey v. Sudha, 2024 SCC OnLine All 6778**Ratio:**

Prolonged separation coupled with unwillingness to reconcile renders the marriage a mere legal fiction and amounts to cruelty.

M.A. Rafi Ahamed v. Vaseela Banu, 2024 SCC OnLine Mad 5991**Ratio:**

Contracting a second marriage without proper dissolution of the first causes emotional injury and constitutes mental cruelty.

A v. B, 2024 SCC OnLine Chh 11174**Ratio:**

Repeated insult to religious beliefs of a spouse undermines dignity and constitutes mental cruelty.

H v. R, 2025 SCC OnLine MP 6399**Ratio:**

Extreme conduct such as threats of self-harm creates mental trauma amounting to cruelty.

H. CHILD RIGHTS, CUSTODY & LEGITIMACY (Continued)**Navya v. State of H.P., 2024 SCC OnLine HP 5658****Ratio:**

Children born from void marriages are statutorily protected and entitled to recognition in official records.

Xxxxx v. Xxxx, 2024 SCC OnLine Ker 6571

Ratio:

Postpartum depression cannot be presumed to permanently impair maternal fitness without medical evidence.

Vickramh Kkalmady v. State of M.P., 2025 SCC OnLine MP 9895

Ratio:

Parental disputes cannot deprive a child of identity and recognition rights.

I. ADOPTION, SURROGACY & PARENTAGE

S. Prasanna v. M. Jothika, 2025 SCC OnLine Mad 9957

Ratio:

Surrogacy matters require purposive interpretation; procedural rigidity must not defeat legitimate parentage.

X v. CARA, 2025 SCC OnLine Kar 19487

Ratio:

Consent of biological parent in adoption can be inferred from inaction where welfare demands expedition.

J. EVIDENCE, PRIVACY & MATRIMONIAL RIGHTS

R. Rajendran v. Kumar Nisha, 2025 SCC OnLine SC 2372

Ratio:

DNA testing is impermissible unless presumption of legitimacy is first rebutted.

X v. Y, 2026 SCC OnLine MP 428

Ratio:

DNA testing may be ordered only when essential and directly relevant to the dispute.

Bhupendra Kushwaha v. Priyanshi Kushwaha, 2026 SCC OnLine MP 379**Ratio:**

Virginity testing violates dignity and privacy and is legally impermissible.

K. PROCEDURAL LAW & FAMILY COURT PRACTICE**Y v. Z, 2025 SCC OnLine MP 8064****Ratio:**

Failure to follow trial procedure renders matrimonial decree unsustainable.

Riya Suralkar v. Rahul Suralkar, 2025 SCC OnLine Bom 4106**Ratio:**

Even ex parte divorce requires independent judicial satisfaction based on evidence.

Ekta Vaish v. Deepak Kuchbandiya, 2026 SCC OnLine MP 1352**Ratio:**

Transfer petitions must balance convenience of both parties; no automatic preference.

Vishal Jindal v. Puja Jindal, 2014 SCC OnLine Chh 135**Ratio:**

Purely interlocutory procedural orders not affecting rights of parties are not appealable under Section 29 of the DV Act, 2005.

Important Points:

- Appeal under Section 29 lies only against orders under Sections 18-23 affecting substantive rights
 - Interim protection orders under Section 23 are appealable as breach is punishable under Section 31
 - Order directing personal attendance is purely procedural — not appealable
-

L. PROPERTY, STRIDHAN & MATRIMONIAL RIGHTS

Krishna Kumar Gupta v. Priti Gupta, 2025 SCC OnLine All 3190

Ratio:

Section 27 HMA cannot be invoked independently of matrimonial proceedings.

X v. Y, 2025 SCC OnLine Ker 2661

Ratio:

Stridhan remains exclusive property of wife; strict proof not required.

M. AUTONOMY, CONSENT & LIBERTY

Ajay Kumar Sahoo v. State of Orissa, 2026 SCC OnLine Ori 101

Ratio:

Consent is foundational to marriage; forced marriage violates fundamental rights.

Bottom of Form A v. B, 2026 SCC OnLine Del 201

Ratio:

Maintenance obligations toward a spouse and children are independent and must be assessed separately; partial custody arrangements or shared parenting do not dilute the financial duty of the earning spouse.

Important Points:

- Each dependent has separate entitlement
- Duty not reduced by custody sharing

- Needs vs capacity test
-

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

Ratio:

Educational qualification or potential employability of a wife cannot be a ground to deny maintenance in the absence of actual independent income.

Important Points:

- Actual income, not theoretical capacity
 - Social realities considered
 - Burden lies on husband
-

Sidharth v. Kanta Bai, 2006 SCC OnLine MP 409

Ratio:

Reconciliation efforts under Section 23(2) HMA are directory and not a precondition for grant of interim maintenance.

Important Points:

- Section 24 operates independently
 - Procedural lapse ≠ illegality
 - Relief cannot be delayed
-

Patel Dharamshi Premji v. Bai Sakar Kanji, 1967 SCC OnLine Guj 4

Ratio:

Application for permanent alimony under Section 25 HMA is maintainable even after passing of the divorce decree.

Important Points:

- “Any decree” interpreted broadly
 - Ancillary relief survives decree
 - Welfare approach
-

N. DIVORCE, CRUELTY & MATRIMONIAL MISCONDUCT

Nirmala Devi v. Ved Prakash, 1992 SCC OnLine HP 1

Ratio:

False, scandalous and defamatory allegations against a spouse amount to mental cruelty justifying dissolution of marriage.

Important Points:

- Reputation impacts dignity
 - False accusations serious misconduct
 - Irretrievable damage
-

X v. Y, 2025 SCC OnLine Bom 3324

Ratio:

Concealment of serious medical condition affecting marital life constitutes fraud and vitiates consent.

Important Points:

- Material facts must be disclosed
 - Consent must be informed
 - Marriage voidable
-

Nupur Garg v. Dwarkesh Ahuja, 2026 SCC OnLine Del 291

Ratio:

Statutory bar under Section 14 HMA may be waived where marriage has broken down completely and continuation serves no purpose.

Important Points:

- Exceptional hardship exception
 - Substance over form
 - Judicial discretion
-

Sunil Dubey v. Minakshi, 2025 SCC OnLine All 5391

Ratio:

Marriage is valid upon performance of essential ceremonies; registration is not mandatory for its legal validity.

Important Points:

- Registration is evidentiary
 - Custom prevails
 - Factum of marriage sufficient
-

O. CUSTODY, CHILD WELFARE & GUARDIANSHIP

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

Ratio:

Biological parent's right to custody prevails unless clear evidence shows that such custody would be detrimental to the child's welfare.

Important Points:

- Natural guardian principle
 - Welfare overrides rights
 - Gradual transition may be required
-

Amit Sharma v. Sugandha Sharma, 2024 SCC OnLine Del 4655

Ratio:

Custody and visitation arrangements must be structured to serve the best interest of the child, independent of parental disputes.

Important Points:

- Child-centric approach
 - Psychological welfare important
 - Neutral assessment
-

Laxmikant Joshi v. Lokeshwari, 2026 SCC OnLine Chh 915

Ratio:

Financial superiority of a parent cannot override emotional and developmental needs of the child in custody determination.

P. CHILD STATUS, LEGITIMACY & RIGHTS

Navya v. State of H.P., 2024 SCC OnLine HP 5658

Ratio:

Children born out of void marriages are entitled to legitimacy under statute and cannot be denied recognition in official records.

Vickramh Kkalmady v. State of M.P., 2025 SCC OnLine MP 9895

Ratio:

Disputes between parents cannot affect a child's right to identity, including recognition of parentage.

Q. ADOPTION, SURROGACY & PARENTAGE

S. Prasanna v. M. Jothika, 2025 SCC OnLine Mad 9957

Ratio:

Courts must adopt a purposive and humane approach in surrogacy matters, ensuring that procedural formalities do not defeat lawful parentage claims.

X v. Central Adoption Resource Agency, 2025 SCC OnLine Kar 19487

Ratio:

Consent of a biological parent may be inferred from conduct where delay adversely affects the child's welfare.

R. EVIDENCE, PRIVACY & MATRIMONIAL ADJUDICATION

R. Rajendran v. Kumar Nisha, 2025 SCC OnLine SC 2372

Ratio:

Presumption of legitimacy under Section 112 Evidence Act can only be displaced by strong evidence; DNA testing cannot be ordered routinely.

X v. Y, 2026 SCC OnLine MP 428

Ratio:

DNA testing may be directed only when it is indispensable for adjudication and supported by specific pleadings.

Bhupendra Kushwaha v. Priyanshi Kushwaha, 2026 SCC OnLine MP 379

Ratio:

Virginity tests violate constitutional guarantees of dignity, privacy, and bodily autonomy and are impermissible in matrimonial disputes.

S. PROPERTY, STRIDHAN & MATRIMONIAL ASSETS

Krishna Kumar Gupta v. Priti Gupta, 2025 SCC OnLine All 3190

Ratio:

Section 27 HMA is not a substantive right but an ancillary provision to be invoked within matrimonial proceedings.

X v. Y, 2025 SCC OnLine Ker 2661

Ratio:

Stridhan remains absolute property of the wife and does not require strict proof due to customary nature of transactions.

T. AUTONOMY, CONSENT & PERSONAL LIBERTY

Ajay Kumar Sahoo v. State of Orissa, 2026 SCC OnLine Ori 101

Ratio:

A major individual has an absolute right to choose a life partner, and forced marriages violate constitutional protections.

Bottom of Form Kamalakant Mishra v. State of U.P., 2025 SCC OnLine SC 224**Ratio:**

Senior citizens are entitled to protection of their property against neglectful children, and eviction can be ordered under welfare legislation to secure their right to peaceful residence.

Important Points:

- Welfare legislation interpreted liberally
 - Property rights of parents protected
 - Eviction permissible
-

X v. State (NCT of Delhi), 2025 SCC OnLine Del 5120**Ratio:**

Right of residence under the Domestic Violence Act does not confer ownership rights and must be balanced against lawful ownership of property.

Important Points:

- No absolute right of residence
 - Ownership prevails
 - Alternate accommodation may be directed
-

Manoj Kumar v. Sushma, 2025 SCC OnLine P&H 4120**Ratio:**

Desertion requires both factum of separation and intention to permanently abandon the spouse.

Important Points:

- Animus deserendi essential
 - Mere separation insufficient
 - Burden of proof
-

Rekha v. State of Rajasthan, 2025 SCC OnLine Raj 2890

Ratio:

Domestic violence includes emotional and economic abuse, even in absence of physical violence.

Important Points:

- Broad definition
 - Mental cruelty recognised
 - Financial control actionable
-

Anil Kumar v. Sunita, 2025 SCC OnLine HP 1789

Ratio:

Non-payment of maintenance despite sufficient means constitutes neglect and justifies coercive enforcement.

Important Points:

- Enforcement mechanisms available
 - Wilful default relevant
 - Court may impose penalties
-

Deepak v. Meena, 2025 SCC OnLine MP 5620

Ratio:

False allegations of adultery without proof constitute mental cruelty.

Important Points:

- Reputation damage
 - Serious matrimonial misconduct
 - Divorce justified
-

Ritu v. Rajesh, 2025 SCC OnLine Del 6342

Ratio:

Working status of a wife does not automatically disentitle her from maintenance if income is insufficient to maintain matrimonial standard.

Important Points:

- Comparative income test
 - Standard of living relevant
 - Partial earning not bar
-

Suresh v. Kavita, 2025 SCC OnLine Bom 5211

Ratio:

Repeated filing of false complaints by one spouse may amount to mental cruelty.

Important Points:

- Abuse of legal process
 - Harassment recognised
 - Pattern of conduct relevant
-

Meera v. State of U.P., 2025 SCC OnLine All 6021

Ratio:

Right of a woman to reside in shared household continues notwithstanding ownership disputes.

Important Points:

- Protection under DV Act
 - Residence independent of title
 - Welfare-based interpretation
-

X v. Y, 2025 SCC OnLine SC 1890

Ratio:

Quantum of maintenance must ensure dignified living consistent with status and needs of dependents.

Important Points:

- Not token amount
 - Includes child needs
 - Holistic assessment
-

R. Rajendran v. Kumar Nisha, 2025 SCC OnLine SC 2372**Ratio:**

DNA testing cannot be ordered routinely unless presumption under Section 112 Evidence Act is rebutted by strong evidence.

Important Points:

- Presumption of legitimacy
 - Privacy concerns
 - Exceptional remedy
-

S. Prasanna v. M. Jothika, 2025 SCC OnLine Mad 9957**Ratio:**

Surrogacy petitions must be handled with sensitivity; procedural rigidity cannot defeat lawful parentage.

Important Points:

- Beneficial legislation
 - Compassionate approach
 - Avoid mechanical rejection
-

Rajiv Varghese v. Rosy Chakkramakkil Francis, 2024 SCC OnLine SC 3367**Ratio:**

Interim maintenance must reflect the lifestyle enjoyed during marriage and ensure dignity.

Important Points:

- Lifestyle continuity
 - Not mere subsistence
 - Court may restore higher amount
-

Arun Pandey v. Neha Pandey, 2024 SCC OnLine All 6955**Ratio:**

Pendente lite maintenance ensures effective participation in proceedings and includes litigation costs.

Important Points:

- Equality in litigation
 - Financial support necessary
 - Reasonable expenses allowed
-

Pawan Kumar Pandey v. Sudha, 2024 SCC OnLine All 6778**Ratio:**

Prolonged separation and refusal to cohabit constitute mental cruelty and justify divorce.

Important Points:

- Breakdown recognised
 - Long separation decisive
 - Marriage becomes fiction
-

Poonam v. Naveen, 2024 SCC OnLine MP 7375**Ratio:**

Forcing a spouse to abandon employment and live under imposed conditions amounts to mental cruelty.

Important Points:

- Autonomy protected
- Coercion impermissible

- Divorce justified
-

M.A. Rafi Ahamed v. Vaseela Banu, 2024 SCC OnLine Mad 5991

Ratio:

Second marriage without lawful dissolution causes mental cruelty and attracts legal consequences.

Important Points:

- Emotional harm recognised
 - Compensation possible
 - Personal law compliance required
-

Navya v. State of H.P., 2024 SCC OnLine HP 5658

Ratio:

Children of void marriages cannot be denied legal recognition in official records.

Important Points:

- Statutory protection
 - Administrative duty
 - Child rights paramount
-

A v. B, 2024 SCC OnLine Chh 11174

Ratio:

Repeated insult to religious beliefs of spouse constitutes mental cruelty.

Important Points:

- Dignity impacted
 - Continuous conduct relevant
 - Divorce justified
-

Xxxxx v. Xxxx, 2024 SCC OnLine Ker 6571

Ratio:

Postpartum depression cannot be presumed to permanently impair a mother's ability to care for her child without credible medical evidence.

Important Points:

- Evidence-based custody
 - Temporary condition
 - Welfare paramount
-

Akshit Pandey v. State of U.P., 2026 SCC OnLine All 3131**Ratio:**

Father, as natural guardian, is entitled to custody of a minor child unless proven unfit, subject to welfare principle.

Important Points:

- Welfare test supreme
 - Early bonding important
 - No automatic denial
-

Dhananjay Rathi v. Ruchika Rathi, 2026 SCC OnLine SC 587**Ratio:**

A party cannot withdraw from a mediated settlement without valid grounds; Supreme Court may dissolve marriage under Article 142 to achieve complete justice.

Important Points:

- Settlement sanctity
 - Limited grounds for withdrawal
 - Finality of litigation
-

PART III – PATNA HIGH COURT JUDGMENTS

(i) MAINTENANCE

Laljee Yadav v. State of Bihar, 2011 SCC OnLine Pat 555

Ratio: Section 125(3) CrPC limits imprisonment to one month per breach; indefinite detention is illegal. Warrant is for recovery of amount (like fine), not arrest.

Important Points:

- No arrest warrant — only recovery warrant under Section 421 CrPC
- Max one month imprisonment per default; fresh application needed each time
- "Sufficient cause" must be heard before sentencing

Mohd. Zuned v. Bibi Rijwana Khatoon, 2024 SCC OnLine Pat 579

Ratio: Pronouncement of talaq does not disentitle wife from maintenance under Section 125 CrPC if she is unable to maintain herself.

Important Points:

- Notional income fixed on Minimum Wages Act where income unproved
- Maintenance modified considering actual financial capacity of husband
- Maintenance payable from date of trial court order

Company Ram v. State of Bihar, 2025 SCC OnLine Pat 1865

Ratio: Father-in-law's liability to maintain widowed daughter-in-law under Section 19 HAMA arises only after husband's death and is conditional upon coparcenary property.

Important Points:

- Mother-in-law has no liability to maintain daughter-in-law
- During husband's lifetime, no other family member liable to maintain his wife

- Conditions under Section 19 HAMA must be satisfied before fastening liability on father-in-law
 - Matter remanded for fresh consideration of relevant facts and evidence
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Hasina Khatoon v. Aszad Ansari, 2025 SCC OnLine Pat 1860

Ratio: Muslim wife and divorced Muslim wife are entitled to maintenance under Section 125 CrPC regardless of payment of iddat or dain-mehar; minor child's maintenance cannot be denied. Maintenance payable from date of application, not date of order.

Important Points: "Living in adultery" means continuous adulterous conduct, not isolated lapse; evidence without pleading cannot be considered.

(ii) DIVORCE & CRUELTY

Manoj Kumar @ Munna v. Nita Bharti, 2026 SCC OnLine Pat 2018

Ratio: Marriage certificate under Section 13(2) SMA is conclusive proof; Doctrine of Frustration applies where remarriage renders first marriage impossible.

Important Points: Prolonged separation amounts to cruelty under Section 27(1)(d) SMA.

Nisha Gupta v. Uday Chand Gupta, 2023 SCC OnLine Pat 2694

Ratio: Cruelty must be grave and weighty; ordinary wear and tear of married life does not constitute cruelty. Standard of proof in matrimonial cases is preponderance of probabilities, not beyond reasonable doubt.

Important Points: Threat to exercise legal right is not cruelty; nine-year delay in filing divorce petition weakens credibility of cruelty allegations.

Ravi Kant v. Bandana Kumari, 2023 SCC OnLine Pat 4835

Ratio: Marriage obtained by force and coercion without free consent is voidable under Section 12(1)(c) HMA; non-performance of saptapadi renders marriage incomplete and invalid.

Important Points: Onus to prove valid marriage shifts to respondent once coercion is alleged; delay in filing complaint explained by military duty obligations.

Arun Kumar Singh v. Nirmala Devi, 2023 SCC OnLine Pat 2695

Ratio: Divorce petition must disclose valid cause of action with proper pleadings; evidence beyond pleadings is liable to be rejected. Undertaking before court is not a ground for divorce under Section 13 HMA.

Important Points: Second marriage by husband itself amounts to cruelty to first wife; desertion requires both factum of separation and animus deserendi.

Sanjay Kumar Shaw v. Anjali Kumari Shaw, 2025 SCC OnLine Pat 1990

Ratio: Schizophrenia alone is not sufficient ground for divorce under Section 13(1)(iii) HMA; its degree must be such that the petitioner cannot reasonably be expected to live with the spouse, and must be proved by medical evidence.

Important Points: Spouse who himself abandoned the other cannot claim divorce on cruelty; vague allegations without documentary proof cannot constitute ground for divorce.

(iii) AUTONOMY, CONSENT & PERSONAL LIBERTY

Asha Devi v. State of Bihar, 2025 SCC OnLine Pat 2331

Ratio:

Maintenance proceedings must be decided expeditiously, as delay defeats the object of providing immediate relief to a dependent spouse.

Important Points:

- Time-bound adjudication
- Interim relief essential
- Delay prejudicial