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2026:CGHC:34730-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

FA(MAT) No. 175 of 2025

- Rinkee Ranjita (Prabhakar) W/o Dr. P.C. Prabhakar Aged About 44 Years (Wrongly Mentioned In The Impugned Order As Rinki Rajesh Prabhakar) R/o Bharti Nagar, Mans Meadows Apartment, Block-D, Flat No. 507, District Bilaspur Chhattisgarh

... **Petitioner(s)****versus**

- Dr. P. C. Prabhakar S/o Late Paleshwar Choudhary Aged About 46 Years Working As Doctor Posted At Government District Hospital Kawardha, District - Kabirdham Chhattisgarh

... **Respondent(s)**

For Petitioner	: Mr. Arpit Parakh, Advocate
For Respondent	: Mr. Anil Kumar Rajput, Advocate

Division Bench:

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

07/08/2026

- This first appeal under Section 19 (1) of the Family Courts Act, 1984 read with Section 28 of the Hindu Marriage Act, 1955 is directed against the judgment and decree dated 25.02.2025 (Annexure P-1) passed by the Learned First Additional Principal Judge, Family Court, Bilaspur (C.G.) in Civil Suit No. 417A/2016 between "Dr. P.C.



Prabhakar v. Rinki Rajesh (Prabhakar)", whereby the suit preferred by the respondent/husband for dissolution of marriage and for grant of decree of divorce has been allowed.

2. The brief facts necessary for disposal of the present appeal, as borne out from the pleadings of the parties, are that the respondent/husband filed a petition under Section 13 of the Hindu Marriage Act, 1955 (for short, "the Act of 1955") seeking dissolution of marriage on the grounds of cruelty and desertion. It was pleaded that the marriage between the parties was solemnized on 22.02.2004 at Bokaro, Dhanbad, according to Hindu rites and customs. Out of the said wedlock, two sons, namely, Aditya Choudhary (now aged about 20 years) and Priyanshu Choudhary (now aged about 14 years), were born, who are presently residing with the appellant/wife. According to the pleadings of the respondent/husband before the Family Court, he is a Government Doctor posted in District Kabirdham and, on account of his official duties, is required to reside at Kawardha. However, the appellant/wife was unwilling to reside with him at Kawardha. It was further pleaded that, being a doctor, he was required to attend patients at the hospital at all hours, but the appellant objected to the same and suspected him of having an illicit relationship with another woman. It was also alleged that the appellant's behaviour was abnormal, whereupon he took her to a psychiatrist, who opined that she was extremely aggressive in nature and was suffering from partial mental illness. According to the respondent, despite his efforts to get her treated, the appellant and her family members accused him of deliberately trying to portray her as mentally unsound. It was further alleged that because of her aggressive behaviour and mental condition, the appellant had on several



occasions assaulted him, and complaints in this regard were lodged by him at the concerned police station from time to time. The respondent/husband further pleaded that in February, 2014, when he visited the appellant and the children at Bilaspur, the appellant abused him and threatened to commit suicide and also to kill the children if he did not leave the house or attempted to contact her or her family members again. According to the respondent, the parties had serious ideological differences, making it impossible for them to continue their matrimonial relationship. It was further pleaded that for the preceding two years they had been living separately and had not been leading a normal marital life. On these averments, the respondent prayed for dissolution of the marriage solemnized on 22.02.2004 sought a decree of divorce.

3. The appellant/wife filed her written statement and while admitting the undisputed facts has denied the remaining averments made in the applicant. She further specifically contended that after the marriage she accompanied the respondent to Kawardha in the year 2006 and resided there with him for about one and a half years. During the subsistence of the marriage, their first son was born on 14.01.2005. It was further pleaded that in the year 2007, on the pretext of providing better education to the child, the respondent shifted the appellant and the minor son to a rented accommodation at Bilaspur, while he himself continued to reside at Kawardha. Appellant further asserted that she is a simple, homely and restrained woman who has tolerated the respondent's harassment and his illegal, immoral and cruel conduct only for the welfare of her children and the family. She specifically denied that she had ever driven the respondent out of the matrimonial



home. According to her, she has always been willing to reside with the respondent at his place of posting at Kawardha and to discharge her matrimonial obligations, but it was the respondent who, for his own selfish reasons, compelled her and the children to remain at Bilaspur. It was further pleaded that the respondent, after consuming excessive liquor, used to behave cruelly towards her and the children, physically assault them, use abusive language and gradually reduce the amount provided for their monthly maintenance. Whenever she requested him to meet the household expenses or to behave properly, he would become enraged, abuse and assault her, threaten to divorce her, and pressurize her to leave the matrimonial home and return to her parental house, repeatedly telling her that she was not fit to be his wife. The appellant further alleged that the respondent was maintaining an illicit relationship with one Yamini Devangan and, with a view to avoid his marital obligations towards her and the children, had instituted the proceedings by raising false and fabricated allegations. She also alleged that the respondent had been demanding a substantial amount as dowry from her and her father and, upon their expressing inability to fulfil such demand, he used to subject her and the children to physical and mental cruelty.

4. The record further reveals that an attempt was made by the Family Court to bring about reconciliation between the parties in terms of Section 9 of the Family Courts Act. However, as the reconciliation efforts proved unsuccessful, the Family Court proceeded to adjudicate the matter on merits.
5. Learned trial Court based on the pleadings made by respective parties have formulated as many as three issues for consideration and upon



considering the evidence brought in record by the respective parties, had allowed the respondent's petition by impugned judgment and decree dated 25.02.2025 and granted a decree of divorce on the grounds of cruelty and desertion. Hence, this appeal.

6. Learned counsel for appellant would submit that the impugned judgment and decree passed by the learned Family Court are illegal, erroneous, and contrary to the evidence available on record. It is contended that the Family Court failed to appreciate the oral and documentary evidence in its proper perspective and recorded perverse findings while deciding the issues relating to cruelty and desertion. It is further submitted that the respondent/husband failed to establish the statutory grounds under Section 13(1) of the Act, 1955. The pleadings and evidence adduced by the respondent were wholly insufficient to prove either cruelty or desertion. Learned counsel submits that the appellant had throughout made sincere efforts to preserve the matrimonial relationship and was always willing to reside with the respondent as his legally wedded wife. It is argued that, in such circumstances, it cannot be held that the appellant had deserted the respondent for a continuous period of two years immediately preceding the institution of the divorce petition. It is further submitted that although the respondent pleaded that he had requested the appellant to shift to Kawardha along with the children but she refused to do so, the complaints lodged by the appellant and the proceedings conducted before the Mahila Thana, Bilaspur (Annexures P-3 and P-4 collectively), clearly demonstrate that the said plea is false. According to the learned counsel, the respondent himself admitted during the mediation proceedings before the Mahila Thana that he wanted the



appellant and the children to continue residing at Bilaspur. It is next submitted that the respondent falsely alleged that the appellant was suffering from mental illness and was partially mentally unsound. Learned counsel further submits that the respondent also alleged that the appellant had assaulted him on several occasions, but no specific instances were pleaded in the divorce petition and no cogent evidence was adduced to substantiate such allegations except referring to certain police complaints. It is contended that the allegations of physical violence are vague, unsubstantiated and unsupported by reliable evidence. It is further submitted that the respondent has admitted in his cross-examination (Annexure P-8) that he has been residing separately from the appellant and the children of his own will. According to learned counsel, this admission completely demolishes the allegation that the appellant had deserted the respondent. Learned counsel also contends that the respondent failed to make genuine efforts for reconciliation and did not properly participate either in the conciliation proceedings before the Mahila Thana, Bilaspur or in the mediation proceedings conducted by the Family Court. According to the appellant, this conduct clearly establishes that it was the respondent who was unwilling to preserve the matrimonial relationship. It is next argued that the learned Family Court has failed to correctly appreciate the scope and ambit of Section 13 of the Hindu Marriage Act, 1955. It is submitted that the mere desire of the respondent to obtain a divorce cannot, by itself, constitute a valid ground for dissolution of marriage. Learned counsel further submits that the learned Family Court travelled beyond the pleadings of the parties while deciding the issue of cruelty. According to the appellant, the findings recorded by the Family Court



on the issue of cruelty are beyond the pleadings and evidence adduced by the respondent and are, therefore, contrary to the settled principles of law governing civil pleadings. It is submitted that such findings are liable to be set aside. In support of the aforesaid submissions, learned counsel placed reliance upon the decision of the Hon'ble Supreme Court in **Gurbux Singh v. Harminder Kaur, (2010) 14 SCC 301**, and submitted that ordinary wear and tear of married life, trivial irritations and normal matrimonial discord do not constitute cruelty so as to entitle a spouse to a decree of divorce. On the aforesaid grounds, learned counsel submits that the findings recorded by the learned Family Court are contrary to the evidence available on record, suffer from material illegality and perversity, and therefore, the impugned judgment and decree deserve to be set aside.

7. Per contra, learned counsel appearing for the respondent/husband supported the impugned judgment and decree passed by the learned Family Court and submitted that the learned Family Court has rightly appreciated the pleadings and evidence available on record and has, by judgment and decree dated 25.02.2025, rightly dissolved the marriage between the parties. It is further submitted that the evidence adduced by the respondent clearly establishes that the appellant treated him with mental cruelty by repeatedly suspecting his character, levelling unfounded allegations of his having an illicit relationship with another woman and creating unnecessary disputes on account of his professional obligations as a Government Doctor. It is contended that the appellant's conduct caused serious mental agony to the respondent and rendered continuation of the matrimonial relationship impossible. It is argued that the long and continuous separation between the parties



clearly establishes desertion and, in the facts and circumstances of the case, such prolonged separation has also resulted in irretrievable breakdown of the matrimonial relationship. It is contended that the findings so recorded are based upon proper appreciation of evidence and do not suffer from any perversity, illegality or material irregularity warranting interference by this Court in exercise of its appellate jurisdiction. Impugned judgment and decree are well reasoned, based on proper appreciation of the evidence on record and call for no interference. Accordingly, it is prayed that the present appeal, being devoid of merit, deserves to be dismissed.

8. We have heard learned counsel appearing for the parties, considered their rival submissions made hereinabove and also went through the records with utmost circumspection.
9. At the outset, it is to be kept in mind that the present appeal, being a first appeal under Section 19(1) of the Family Courts Act, 1984 read with Section 28 of the Act of 1955. Therefore, this Court is entitled to re-appreciate the pleadings, oral and documentary evidence available on record and examine the correctness of the findings recorded by the learned Family Court. At the same time, interference with the findings recorded by the learned Family Court would be warranted only where such findings are shown to be contrary to the evidence, based on misreading of material evidence, or otherwise perverse or unsustainable in law. The mere possibility of another view on the evidence would not by itself furnish a ground for interference.
10. It is undisputed that marriage between the parties was solemnized on 22.02.2004 according to Hindu rituals and from their wedlock two children were born. The principal question which arises for



consideration is whether, on the evidence available on record, the conduct of the appellant/wife towards the respondent/husband amounted to cruelty within the meaning of Section 13(1)(ia) of the Act of 1955.

11. The expression "cruelty" has not been defined under the Act of 1955 and its determination necessarily depends upon the facts and circumstances of each case. Hon'ble Supreme Court in **Samar Ghosh v. Jaya Ghosh**, (2007) 4 SCC 511, has observed that there can be no straitjacket formula for determining mental cruelty and that the Court is required to evaluate the entire matrimonial relationship and the conduct of the parties in the background of the particular facts of the case. The same principle has subsequently been reiterated in **Vishwanath Agrawal v. Sarla Vishwanath Agrawal**, (2012) 7 SCC 288.

12. In the case at hand, the respondent/husband entered the witness-box and supported the allegations made in his petition. He stated that, being a Government Doctor posted at Kawardha, he was required to attend patients and, on account of his professional duties, was sometimes required to visit the hospital even during the night. According to him, the appellant repeatedly suspected his character and alleged that he was maintaining relations with other women. His testimony in this regard has also been supported, to an extent, by PW-2 Mohd. Asif, who stated that the appellant used to suspect the respondent and that there were substantial ideological differences between the parties.

13. The appellant, on the other hand, specifically alleged that the respondent was maintaining an illicit relationship with one Yamini



Devangan, stated to be a nurse at District Hospital, Takhatpur, and that such relationship was the reason for the respondent's conduct towards her. This allegation was not confined merely to the written statement filed before the Family Court. The same allegation was also made by the appellant in her complaint dated 05.11.2015 submitted before the Women Police Station, Bilaspur, which has been exhibited as Ex.D-01. Thus, the allegation regarding the alleged illicit relationship was a specific and serious allegation concerning the character and fidelity of the respondent.

14. It is true that the making of a complaint by itself cannot be treated as an act of cruelty merely because no action ultimately followed therefrom. A spouse may legitimately approach a competent authority if there exists a reasonable basis for such complaint. However, the Court is required to examine whether the allegation was made on a reasonable basis and whether the party making such allegation was able to substantiate the same by reliable evidence.
15. In the present case, the appellant has not been able to establish the alleged relationship of the respondent with Yamini Devangan (the Nurse). During his cross-examination, the respondent denied even knowing any nurse by the said name. Though he admitted that in the year 2012, when the appellant was pregnant, a nurse had been engaged for about fifteen days for administering drips to her, the appellant did not produce any material to establish that the said nurse was Yamini Devangan. No such nurse was examined, nor was any document produced connecting the respondent with the said Yamini Devangan. The allegation, therefore, remained unsupported by any



independent or cogent evidence.

16. The appellant further stated that, on account of her complaint regarding the alleged illicit relationship, a departmental inquiry was also pending against the respondent. However, neither any specific question was put to the respondent in his cross-examination regarding any such departmental inquiry nor was any order, notice, report or other document produced to establish that any departmental proceeding had actually been initiated against him on that allegation. The assertion, therefore, remained a bare statement without supporting material.
17. The significance of this aspect cannot be overlooked. The allegation made by the appellant was not of a trivial matrimonial disagreement. It directly imputed infidelity and an illicit relationship to the respondent. Such an allegation, when repeatedly made without satisfactory foundation or supporting evidence, has the potential to cause serious mental agony and damage to the reputation of the spouse against whom it is made.
18. Hon'ble Supreme Court in **Vijaykumar Ramchandra Bhate v. Neela Vijaykumar Bhate**, (2003) 6 SCC 334, has held that levelling allegations of unchastity, indecent familiarity with a person outside wedlock and extra-marital relationship constitutes a grave assault on the character, honour, reputation, status and health of the spouse and may amount to the worst form of insult and cruelty. The Court further held that such allegations, when made in the pleadings or suggested in the course of examination and cross-examination, may constitute mental cruelty where they are of such quality, magnitude and consequence as to cause mental pain, agony and suffering.



19. The aforesaid principle was reiterated and applied by Hon'ble Supreme Court in **Narendra v. K. Meena**, (2016) 9 SCC 455, wherein unsubstantiated allegations regarding an extra-marital relationship of the husband were considered in determining whether the wife had subjected the husband to mental cruelty. Thus, where a spouse makes a serious allegation of an illicit relationship against the other spouse and fails to substantiate the same by credible evidence, such conduct may, depending upon the facts and circumstances of the case, constitute mental cruelty within the meaning of Section 13(1)(ia) of the Hindu Marriage Act, 1955.
20. Tested on the aforesaid principles, the allegation made by the appellant against the respondent regarding Yamini Devangan cannot be accepted merely because it was incorporated in a complaint. The appellant was required to establish the factual foundation of such a serious allegation. She failed to do so. On the contrary, the evidence on record does not disclose any convincing circumstance from which such relationship could reasonably be inferred.
21. The appellant has also alleged that the respondent was addicted to alcohol and, after consuming alcohol, used to abuse and assault her. However, this allegation does not find corresponding support even in her contemporaneous complaint Ex.D-01 or in the proceedings of the Family Counselling Centre, Ex.D-02. The complaint specifically refers to the alleged illicit relationship of the respondent, but does not contain the material particulars regarding habitual consumption of alcohol and consequent physical assault which the appellant subsequently sought to establish in her evidence. Such omission assumes significance when



the allegation is subsequently relied upon as a circumstance constituting cruelty.

22. Similarly, the appellant alleged that the respondent had been demanding a substantial amount of dowry from her and her father and that, upon her inability to fulfil such demand, he subjected her and the children to physical and mental cruelty. However, no satisfactory evidence has been brought on record to establish such demand. Neither Ex.D-01 nor Ex.D-02 contains any such specific allegation of demand of a huge amount of dowry followed by physical violence. No independent witness or other documentary material has been produced to corroborate this allegation.
23. It is thus apparent that the appellant levelled serious allegations against the respondent concerning his character, alleged illicit relationship, alcoholism and dowry demand, but failed to substantiate these allegations by reliable evidence. These allegations cannot be considered in isolation. They have to be examined cumulatively, particularly in the backdrop of the admitted fact that the parties have been living separately for several years and that the efforts made for reconciliation have not yielded any result.
24. The appellant has sought to contend that the respondent himself was responsible for the separate residence of the parties and that she was always willing to live with him. This contention may have relevance while considering the ground of desertion. However, even assuming that the appellant's case regarding desertion requires separate consideration, the same does not by itself efface the independent conduct of the appellant which is relevant for determination of cruelty.



25. The question of desertion and the question of cruelty are distinct statutory grounds. Even if the respondent was unable to establish every ingredient of desertion, a decree of divorce can nevertheless be sustained if the ground of cruelty is independently established on the evidence available on record.
26. So far as desertion is concerned, the appellant has relied upon the fact that she was residing at Bilaspur and has contended that it was the respondent who had shifted her there. The respondent, on the other hand, has alleged that the appellant refused to reside with him at Kawardha. The evidence on this aspect is not free from contest. In view of the findings which we have reached on the ground of cruelty, however, it is not necessary to rest the decree solely upon the ground of desertion. The decree of divorce is independently sustainable on the ground of cruelty.
27. We are also conscious of the submission of learned counsel for the appellant that ordinary wear and tear of matrimonial life, trivial disagreements and normal quarrels cannot constitute cruelty. There can be no quarrel with the said proposition. The Supreme Court in **Gurbux Singh (supra)**, has held that trivial irritations, quarrels and normal wear and tear of married life do not constitute cruelty. However, the present case cannot be placed in the category of ordinary matrimonial discord. The allegation here concerns the alleged illicit relationship of the husband with a named woman, coupled with allegations of alcoholism, dowry demand and physical violence, none of which could be satisfactorily established. The allegation concerning the alleged illicit relationship was specifically made before the Women



Police Station and was pursued in the counselling proceedings. The seriousness and persistence of such an allegation, when unsupported by credible evidence, cannot be equated with an ordinary matrimonial quarrel.

28. It is equally significant that the respondent, in the proceedings before the Family Counselling Centre, stated that the appellant used to suspect him, quarrel with him and make allegations against him. The counselling proceedings also record that the respondent was posted at Kawardha, that he used to visit Bilaspur and that he had made arrangements for the residence of the appellant and children at Bilaspur and was bearing their household expenses. These circumstances lend some support to the respondent's case that the matrimonial discord was substantially rooted in the appellant's persistent suspicion regarding his conduct.
29. The contention of learned counsel for the appellant that the respondent's allegation regarding her mental condition was itself an attempt to create a ground for divorce also does not materially advance her case. We do not find it necessary to record any independent finding regarding the medical condition of the appellant. The decree under challenge does not require determination of whether the appellant was in fact suffering from any mental disorder. The relevant question is whether her conduct towards the respondent amounted to cruelty, and on that question the evidence relating to the repeated and unsubstantiated allegations against the respondent assumes greater significance.
30. It is also pertinent that the respondent's allegation of cruelty is not



based upon one isolated incident. The evidence discloses a continuing matrimonial discord, persistent suspicion regarding his professional activities, allegations of an illicit relationship, allegations of alcoholism and dowry harassment, and prolonged separation between the parties. Considered cumulatively and in the background of the entire matrimonial relationship, such conduct satisfies the test of mental cruelty.

31. The principle that the Court must examine the cumulative effect of the conduct of the parties has been repeatedly emphasised by the Supreme Court. In **Samar Ghosh (supra)**, the Court cautioned that mental cruelty cannot be determined by applying a fixed formula and that the entire matrimonial relationship and the surrounding circumstances have to be considered and has indicated certain illustrative instances at para 101 whereby the inference of mental cruelty can be drawn. Para 101 reads as under :-

“101. No uniform standard can ever be laid down for guidance, yet we deem it appropriate to enumerate some instances of human behaviour which may be relevant in dealing with the cases of “mental cruelty”. The instances indicated in the succeeding paragraphs are only illustrative and not exhaustive:

(i) On consideration of complete matrimonial life of the parties, acute mental pain, agony and suffering as would not make possible for the parties to live with each other could come within the broad parameters of mental cruelty.

(ii) On comprehensive appraisal of the entire matrimonial life of the parties, it becomes abundantly clear that situation is such that the wronged party cannot reasonably be asked to put up with such conduct and continue to live with other party.

(iii) Mere coldness or lack of affection cannot amount to cruelty, frequent rudeness of language, petulance of manner, indifference and neglect may reach such a degree



that it makes the married life for the other spouse absolutely intolerable.

(iv) Mental cruelty is a state of mind. The feeling of deep anguish, disappointment, frustration in one spouse caused by the conduct of other for a long time may lead to mental cruelty.

(v) A sustained course of abusive and humiliating treatment calculated to torture, discommode or render miserable life of the spouse.

(vi) Sustained unjustifiable conduct and behaviour of one spouse actually affecting physical and mental health of the other spouse. The treatment complained of and the resultant danger or apprehension must be very grave, substantial and weighty.

(vii) Sustained reprehensible conduct, studied neglect, indifference or total departure from the normal standard of conjugal kindness causing injury to mental health or deriving sadistic pleasure can also amount to mental cruelty.

(viii) The conduct must be much more than jealousy, selfishness, possessiveness, which causes unhappiness and dissatisfaction and emotional upset may not be a ground for grant of divorce on the ground of mental cruelty.

(ix) Mere trivial irritations, quarrels, normal wear and tear of the married life which happens in day-to-day life would not be adequate for grant of divorce on the ground of mental cruelty.

(x) The married life should be reviewed as a whole and a few isolated instances over a period of years will not amount to cruelty. The ill conduct must be persistent for a fairly lengthy period, where the relationship has deteriorated to an extent that because of the acts and behaviour of a spouse, the wronged party finds it extremely difficult to live with the other party any longer, may amount to mental cruelty.

(xi) If a husband submits himself for an operation of sterilisation without medical reasons and without the consent or knowledge of his wife and similarly, if the wife undergoes vasectomy or abortion without medical reason or without the consent or knowledge of her husband, such an act of the spouse may lead to mental cruelty.

(xii) Unilateral decision of refusal to have intercourse for considerable period without there being any physical incapacity or valid reason may amount to mental cruelty.



(xiii) Unilateral decision of either husband or wife after marriage not to have child from the marriage may amount to cruelty.

(xiv) Where there has been a long period of continuous separation, it may fairly be concluded that the matrimonial bond is beyond repair. The marriage becomes a fiction though supported by a legal tie. By refusing to sever that tie, the law in such cases, does not serve the sanctity of marriage; on the contrary, it shows scant regard for the feelings and emotions of the parties. In such like situations, it may lead to mental cruelty.”

32. In the aforementioned facts of the case and the rulings of Hon’ble Supreme Court, we are, therefore, of the considered view that the learned Family Court, after appreciating the evidence led by both parties, has rightly found that the appellant had treated the respondent with mental cruelty. The finding cannot be said to be based upon mere conjecture or surmise. The same is founded upon the specific allegations made by the appellant, the absence of reliable evidence in support thereof, the material omissions in her contemporaneous complaint and counselling proceedings, and the cumulative effect of the conduct of the parties.

33. The contention made by learned counsel for appellant that the respondent's professional duties required him to remain at Kawardha and that the appellant was justified in entertaining suspicion about his conduct also cannot be accepted in the absence of any cogent evidence establishing the alleged relationship. A mere suspicion, however strongly entertained, cannot be elevated to the status of proof. Matrimonial life cannot reasonably be sustained where one spouse repeatedly imputes infidelity to the other without being able to establish any factual foundation for such allegation.

34. It is also relevant that the parties have remained separately for several



years and the attempts at reconciliation before the Family Court have failed. Though irretrievable breakdown of marriage by itself is not an independent statutory ground for divorce under Section 13 of the Act of 1955, the long separation and failure of reconciliation may constitute relevant surrounding circumstances while assessing the cumulative effect of the conduct of the parties and the state of the matrimonial relationship. Hon'ble Supreme Court on many occasions has recognised the relevance of prolonged separation and complete erosion of the matrimonial relationship, particularly while exercising its powers under Article 142 of the Constitution of India. However, in the present case, the decree is not being sustained merely on the ground of irretrievable breakdown, but on the independently established ground of cruelty.

35. We, therefore, find no perversity, illegality or material misappreciation of evidence in the findings recorded by the learned Family Court on the ground of cruelty. The findings are supported by the evidence available on record and are in consonance with the settled principles governing mental cruelty under Section 13(1)(ia) of the Act of 1955.
36. Consequently, the challenge raised by the appellant to the grant of decree of divorce on the ground of cruelty has no merit.
37. As regards the permanent alimony of Rs.5,00,000/- awarded by the learned Family Court in favour of the appellant, no material has been brought on record before us to demonstrate that the said direction suffers from any illegality or requires interference in the present appeal.
38. For the foregoing reasons, we are of the considered opinion that the



learned Family Court has committed no error in granting a decree of divorce in favour of the respondent/husband. The impugned judgment and decree dated 25.02.2025 do not suffer from any perversity or legal infirmity warranting interference by this Court.

39. Accordingly, the appeal filed by the appellant/wife is dismissed. The judgment and decree dated 25.02.2025 passed by the learned Family Court are hereby affirmed.

40. There shall be no order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice