

A. Ranjithkumar

v.

E. Kavitha

(Civil Appeal No. 10654 of 2025)

14 August 2025

[Vikram Nath* and Sandeep Mehta, JJ.]

Issue for Consideration

Issue arose as regards the correctness of the judgment passed by the High Court, setting aside the decree of divorce granted by the family court.

Headnotes[†]

Hindu Marriage Act, 1955 – s.13(1)(ia), (ib) – Dissolution of marriage – Ground of cruelty – Husband instituted divorce petition seeking dissolution of marriage on the grounds of cruelty and adultery – Family Court granted decree of divorce on the ground of cruelty – High Court set aside the decree of divorce – Challenge to:

Held: No possibility of reconciliation between the parties – They have been living separately for nearly 15 years – No vestige of matrimonial relationship between them, and neither party has shown any inclination to resolve their differences – Furthermore, the husband got remarried eight years back – No purpose in continuing the legal relationship between the parties – Marriage has irretrievably broken down – Fit case for granting divorce by invoking the powers u/Art.142 – Furthermore, it is just and proper to award one-time lump sum as permanent alimony to the wife and their son – Thus, the marriage between the parties stands dissolved subject to the condition that the husband to pay a sum of Rupees One Crore Twenty-Five Lakhs only to the wife as permanent alimony – Impugned order set aside – Constitution of India – Art.142. [Paras 6-9]

List of Acts

Hindu Marriage Act, 1955; Constitution of India.

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List of Keywords

Dissolution of marriage; Article 142 of the Constitution; Irretrievably broken down; Permanent alimony; No possibility of reconciliation; Cruelty; Divorce.

Case Arising From

CIVIL APPELLATE JURISDICTION: Civil Appeal No. 10654 of 2025

From the Judgment and Order dated 24.08.2018 of the High Court of Judicature at Madras in CMA No. 2678 of 2017

Appearances for Parties

Advs. for the Appellant:

S. Nagamuthu, Sr. Adv., M.P. Parthiban, Ms. Priyaranjani Nagamuthu, Ankur Prakash, Mrs. Priyanka Singh, Bilal Mansoor, Shreyas Kaushal, S. Geyolin Selvam, Alagiri K.

Advs. for the Respondent:

Anup Kumar, Mrs. Shruti Singh, Ms. Pragya Choudhary, Mr. Awanish Gupta, Shivam Kumar, Mrs. Neha Jaiswal, Vishnu Prabhakar.

Judgment / Order of the Supreme Court

Judgment

Vikram Nath, J.

1. Leave granted.
2. This appeal arises from the judgment dated 24.08.2018 passed by the High Court of Judicature at Madras in Civil Miscellaneous Appeal No. 2678 of 2017, whereby the High Court allowed the appeal filed by the respondent-wife and set aside the decree of divorce granted by the Family Court on 17.10.2016.
3. The relevant facts, briefly stated, are as follows:
 - 3.1. The marriage between the appellant-husband and the respondent-wife was solemnized on 15.02.2009. Shortly thereafter, the parties relocated to the United States of America, where the appellant-husband was employed.

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- 3.2. A son was born to the parties on 07.04.2010.
- 3.3. On 26.09.2012, the appellant-husband instituted a divorce petition bearing H.M.O.P. No. 197 of 2012 (later renumbered as F.C.O.P. No. 245 of 2014) under Sections 13(1)(ia) and (ib) of the Hindu Marriage Act, 1955, seeking dissolution of marriage on the grounds of cruelty and adultery.
- 3.4. The Family Court, by its order dated 17.10.2016, granted a decree of divorce on the ground of cruelty. The allegation of adultery was not found to be proved.
- 3.5. Aggrieved by the said decree, the respondent-wife filed Civil Miscellaneous Appeal No. 2678 of 2017 before the High Court on 11.01.2017. Although notice was directed to be issued on 14.02.2017, the same remained unserved upon the appellant-husband.
- 3.6. On 05.03.2017, the appellant-husband contracted a second marriage.
- 3.7. The High Court, by the impugned order, set aside the decree of divorce. It observed that the principal instance of cruelty accepted by the Family Court was the rude utterances of the respondent-wife's father. The High Court held that while such utterances may have agitated the appellant-husband, the respondent-wife could not be held liable for them.
- 3.8. The appellant-husband is now before this Court, challenging the decision of the High Court.
4. We have heard learned counsel appearing for both parties.
5. At the outset, notice was issued by this Court with a view to exploring the possibility of settlement through mediation. However, the mediation efforts have failed. The appellant-husband has moved an application under Article 142 of the Constitution of India seeking dissolution of the marriage.
6. It is evident that there is no possibility of reconciliation between the parties. They have been living separately since 2010, for nearly 15 years. There is no vestige of matrimonial relationship between them, and neither party has shown any inclination to resolve their

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differences. Furthermore, the appellant-husband has been remarried since 05.03.2017. In these circumstances, we see no purpose in continuing the legal relationship between the parties. The marriage has irretrievably broken down.

7. We are of the considered view that this is a fit case for granting divorce by invoking our powers under Article 142 of the Constitution. Accordingly, the marriage solemnized on 15.02.2009 stands dissolved.
8. We further deem it just and proper to award a one-time lump sum as permanent alimony to the respondent-wife and their son. It has been brought to our attention that the appellant-husband has not provided financial support during these years. Considering the financial status of both parties and the circumstances of the case, we direct the appellant to pay a sum of ₹1,25,00,000/- (Rupees One Crore Twenty-Five Lakhs only) as permanent alimony and all other claims of the wife would stand satisfied.
9. The marriage between the parties stands dissolved by exercise of this Court's power under Article 142 of the Constitution of India, subject to the condition that the appellant-husband shall pay the aforesaid sum of ₹1,25,00,000/- (Rupees One Crore Twenty-Five Lakhs only) to the respondent-wife as permanent alimony. A decree shall be drawn upon furnishing of proof before the Registry that such payment has been made.
10. The amount shall be paid in five equal quarterly instalments of Rs.25,00,000/- (Rupees twenty five lakhs) each as given hereunder:
 - First instalment on or before 15.09.2025;
 - Second instalment on or before 15.12.2025;
 - Third instalment on or before 15.03.2026;
 - Fourth instalment on or before 15.06.2026;
 - Fifth and final instalment on or before 15.09.2026.
11. Ordered accordingly. It is further directed that in the event of any default in payment of any instalment, this order shall stand recalled, and any amount already paid by the appellant-husband shall stand forfeited.

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12. The appeal is accordingly allowed. The impugned order of the High Court is set aside.
13. Pending applications, if any, stand disposed of.

Result of the case: Appeal allowed.

[†]*Headnotes prepared by:* Nidhi Jain