

Even one FIR is enough to seek divorce on grounds of cruelty, high court rules

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Even one FIR against a person is enough reason for his or her spouse to file for divorce on grounds of cruelty, the Bombay High Court has ruled.

A division bench of Justice VK Tahilramani and Justice VL Achliya recently dismissed an appeal filed by a woman challenging the divorce granted to her husband of 22 years. The court however, upheld the family court order of January last year.

In its judgement, the HC observed, "Looking at the social status of the parties and the strata of the society to which they belong, the enormity and magnitude of this act (registration of FIR) is such that it clearly constitutes cruelty. This single incident by itself is of such a serious nature that it would make it impossible for the respondent to live with the appellant without mental agony, torture or distress."

The woman was caught stealing

Rs 37,000 using a colleague's debit cards in May 2008, after which the colleague lodged a FIR against her. She was arrested and had to spend a few days behind the bars. It was after this particular incident that her husband started divorce proceedings.

Though this was not the only ground on which the divorce was sought, it was because of the arguments made by the woman's advocate that the court had to rule on this point after husband's advocate Vivek Kantawala pointed out a certain Supreme Court judgement.

According to the proceedings, the Mumbai-based couple got married in 1991.

In 2006, the woman wife seemed to have developed a habit of stealing. She was allegedly caught red-handed by her husband's sister while stealing money from his cupboard.

The couple's son also alleged that she used to steal money from their pockets.

Another allegation was that she suddenly stopped cooking for the family and cooked food only for her-

self. Her husband's sister used to cook food for rest of the family members.

Even her own family members - father and brother - deposed against her in the family court, making the HC observe that this could probably be the first such case where the family members were favouring a son-in-law.

Concluding that all this did not amount to normal wear and tear of married life, the court observed, "It has come on record that the appellant is continuously indulging in acts that are detrimental to the harmony of marital life. Her behaviour is such as to render it impossible for the appellant and respondent to live together. There is no effort on the part of the appellant to change for the better. In fact, day by day, her illegal activities are getting more and more serious."

The court concluded the judgement by observing that the woman's conduct was so grave and weighty that her husband cannot reasonably be expected to continue to live with her.