
CASE ANALYSIS: PRIYANKA KHANNA V. AMIT KHANNA

2011 15 SCC 612

Kritika Sunil Sharma, BA LLB (Hons), Christ (Deemed to be University), Bengaluru

ABSTRACT

This abstract provides a concise overview of the landmark case of Priyanka Khanna v. Amit Khanna which helps in a comprehensive examination of legal precedents, judicial interpretation and its broader interpretation on family law in the case analysis. The methodology employed is analytical legal research focusing on maintenance under section 24 and 25 and divorce under section 13 of the Hindu Marriage Act, 1955. The case involved a matrimonial dispute between Priyanka Khanna (the wife) and Amit Khanna (the husband) and subsequent legal proceedings that ensued. Drawing upon an extensive review of appellate courts decisions, the analysis has adopted a systematic approach to extract key insights that have emerged through judicial interpretation.

The analysis begins by outlining the factual background of the case, including the grounds for matrimonial dispute. It explores the court's approach to the issue of maintenance, particularly in cases where one party alleges cruelty as a ground for divorce. It examines the factors considered by the court in assessing the financial obligations of the parties, taking into account their respective income, assets etc.

In conclusion, Priyanka Khanna v. Amit Khanna is a significant case that addresses crucial issues in family law. It also provides insights into the relevant legal provisions, the evidentiary standards applied, and the determination of divorce and maintenance. By examining diverse cases and their ramifications, this analysis serves as a valuable resource for legal professionals, scholars and policymakers seeking to navigate the complexities of legal precedent in contemporary society.

Keywords: maintenance, divorce, case analysis, family law

Introduction

Hinduism, as one of the largest religions in the world, does have a distinct set of laws similar to other personal laws in India. Marriage holds significant importance in Hinduism as a sacred institution, representing a holy bond that is considered unbreakable. The Hindu Marriage Act, 1955 played a crucial role in reforming the Hindu law of marriage and is recognised as a significant milestone in social legislation. The Hindu Marriage Act, 1955 not only codified existing Hindu laws regarding marriage but also introduced several important changes. For a marriage to be considered valid, specific rituals and rites must be performed in a prescribed manner.

Priyanka Khanna v. Amit Khanna is a landmark judgement of the Supreme court. It was heard before a two-judge bench composed of Justice H.S Bedi and Justice Gyan Sudha Mishra. This particular case is only pertaining to maintenance under section 24 and 25 and divorce under section 13 of the Hindu Marriage Act, 1955. According to section 25 of the Hindu Marriage Act, 1955, the applicant being either the husband or wife is entitled to receive his or her maintenance from the spouse in the form of a gross sum or monthly sum for a term not exceeding the lifetime of the applicant or until the applicant remarries¹ and under section 24, of the Hindu Marriage Act, 1955, the courts have the discretion in passing an order regarding the interim maintenance amount that a spouse may be required to pay to the other based on reasonable grounds. In order to exercise this discretion, the court considers the income of the spouse who has made the application for interim maintenance and the income of the other spouse who is required to pay such interim maintenance.

Under section 125 of the Code of Criminal Procedure, 1973, there are provisions for maintenance not only for the wife, but also for children and parents. The Court might order the husband, who has a sufficient income, to provide monthly maintenance to his wife who does not have the sufficient means to support herself.² Maintenance under this law is only limited to the claims of the wife and not by the husband.

The spouse can get divorce or appeal for dissolution of marriage in the court of law under section 13 of the Hindu Marriage Act, 1955. Divorce is permitted only for a grave reason otherwise before that a mediation session is conducted outside court for both the parties

¹ Hindu Marriage Act, 1955. sec. 25

² Code of Criminal Procedure, 1973. sec. 125

involved and only if this alternative is not helpful then parties can move forward with the hearing. Divorce can only be filed for cruelty, desertion, conversion to another religion, leprosy, unsoundness of mind, failure to comply with the degree for restitution of conjugal rights for one year or more, venereal in communication form or 'sanyasa'.

The appellant and respondent had been litigating in one forum or the other since the year 2005 and twelve cases of various types were pending in different forums, some filed by the appellant and others by the respondent. In this case, divorce under section 13-B of the Hindu Marriage Act, 1955 was filed on grounds of cruelty. Cruelty, as defined in various legal contexts, encompasses both mental and physical forms of mistreatment. Physical cruelty refers to instances where one spouse inflicts physical harm or injury upon the other spouse. In this specific case, it involves domestic violence directed towards the wife, Priyanka Khanna, which prompted her to approach the court seeking divorce and maintenance. The Supreme Court of India issued an order stating that the extensive history of ongoing litigations in various forums between the parties indicates a severe breakdown in the relationship, making any possibility of reconciliation unlikely, even if the matter were to be adjourned for the mandated period of six months as per Section 13-B of the Hindu Marriage Act, 1955.

Facts

This case was an appellate jurisdiction case under the Supreme court of India but first it went to the court of Metropolitan Magistrate, then the court of Additional sessions judge and lastly to the Delhi High Court. Priyanka Khanna moved an application before the Metropolitan Magistrate (MM) under section 12 of the Protection of Women from the Domestic Violence Act, 2005 and also made an interim application for residence, protection, and maintenance. The Metropolitan Magistrate took into account the husband's income for the financial years 2004-2005, 2005-2006, 2006-2007, and 2007-2008. After evaluating the information, it was determined that the husband's annual gross income for the most recent financial year, which is 2007-2008, amounted to Rs. 3,47,550 before tax deductions.

The wife considered that the gross monthly income of the husband was between Rs. 28,000/- and Rs. 29000/-. The Metropolitan Magistrate awarded the wife with monthly maintenance of Rs. 10,000 and apart from that she was also given Rs. 5000 per mensem as rent for her residence. Thus, she was given a total of Rs. 15,000. In appeal to the learned Additional sessions judge, the rent payable to the wife was enhanced from Rs. 5,000 to Rs. 15,000 and

maintenance from Rs. 10,000 to Rs. 30,000 although the husband had placed the latest salary slip showing gross monthly income of Rs. 41,000. The learned Additional sessions judge made an enhancement to the case based on the husband's status as a person of wealth and owner of significant movable and immovable assets. It was noted that it is commonly known that parties often conceal their actual income and do not fully disclose their earnings in their income tax returns.

The High Court of Delhi held that by the order of Additional sessions judge it is evident that the husband did not enumerate the vast movable and immovable property. The court cannot solely rely on the wife's allegations regarding the husband's status and ownership of extensive movable and immovable properties as the basis for exceeding the husband's financial capabilities when ordering maintenance.³ When allegations are made by spouses about the vast movable and immovable properties of others, even for passing an interim order the allegations must be substantiated by some sort of documentary evidence. The income of the husband was Rs. 41,000/- without deducting tax and after deducting tax it would be around Rs. 38,500/-, a maintenance of Rs. 15,000/- and rent of Rs. 5,000/- would be the just maintenance. This would be payable from the date of order of the Appellate court. The order of the Metropolitan Magistrate would take precedence over the order of the Appellate court, as the husband's income was determined to be Rs. 29,000/- prior to the date of the Appellate court's order. However, this maintenance and amount towards rent is not over and above the maintenance awarded by the matrimonial court, neither this order shall affect the order passed by Additional district judge granting maintenance at Rs. 25,000/-. The amount payable under this order shall be adjustable against other maintenance orders.⁴

Priyanka Khanna, the petitioner in this case was not satisfied with the judgement given by the High court of Delhi so she appealed to the Supreme court of India where the Supreme court quashed the petition and later the husband and the wife came to a consensus that the wife will be given Rs. 2,25,00,000/- as the wife was unemployed and living with her parents all alone.

Issues raised

The issues before the Hon'ble Supreme court of India were-

³ High court of Delhi, *Judgement of Delhi High Court*, 2011 <https://dhcapp1.nic.in/FreeText/launchbrowsejud.do>

⁴ S. S Upadhyay, *Maintenance of Wives and Other*, 2022 <https://spuwac.in/pdf/Sec125CrPC.pdf>

1. Whether the Court can pass an order of maintenance beyond the means of the husband?

The order of the Additional sessions judge indicated a lack of mention regarding the extensive number of movable and immovable assets claimed to be owned by the husband. Merely stating that the husband holds a high status and possesses numerous assets, without providing substantial evidence, does not grant the court jurisdiction to determine maintenance value exceeding the husband's means. Whether it is an interim or permanent maintenance order, such allegations should be supported by documentary evidence for verification.

2. Whether properties belonging to the relatives of the spouse can be considered as the properties of the spouse?

Assets held by the husband's sister or parents cannot be considered as belonging to the husband. Similarly, the wife's siblings or parent's assets and property cannot be attributed to the wife. It would be unfair for the court to rule that the wife has sufficient possessions and does not require any maintenance based on such considerations. The assessment of maintenance should focus on the individual's own assets and financial needs, rather than considering the assets of their relatives.

Laws involved**1. Divorce under section 13 of the Hindu Marriage Act, 1955-**

Any marriage solemnised, whether before or after the commencement of this Act, may, on a petition presented by either the husband or the wife, be dissolved by a decree of divorce on the ground that the other party.⁵

2. Divorce by mutual consent under Section 13-B Hindu Marriage Act, 1955.**3. Maintenance under section 24 and 25 of the Hindu Marriage Act, 1955-**

In any proceeding for maintenance if it appears to the court that either the wife or the husband has no independent income sufficient for her or his support and the necessary expenses of the proceeding, it may, on the application of the wife or the husband, order the respondent to pay to the petitioner the expenses of the proceeding, and monthly

⁵ Hindu Marriage Act, 1955. sec 13

during the proceeding such sum as, having regard to the petitioner's own income and the income of the respondent, it may seem to the court to be reasonable and section 25 is about permanent alimony and maintenance.⁶

4. Section 12 of the Protection of Women from Domestic Violence Act, 2005-

An aggrieved person or a Protection Officer or any other person on behalf of the aggrieved person may present an application to the Magistrate seeking one or more reliefs under this Act.

5. Section 125 of the Code of Criminal Procedure, 1973 which is about maintenance to wife, children and parents.

6. Section 323 of the Indian Penal Code, 1860 which is Punishment for voluntarily causing hurt. Whoever, except in the case provided for by section 334, voluntarily causes hurt, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.⁷

7. Section 355 of the Indian Penal Code, 1860

Who assaults or uses criminal force to any person, intending thereby to dishonour that person, otherwise than on grave and sudden provocation given by that person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.⁸

8. Section 506 of the Indian Penal Code, 1860

Punishment for criminal intimidation—Whoever commits the offence of criminal intimidation shall be punished with imprisonment of either description for a term which

⁶ The Hindu Marriage Act, 1955. sec. 24

⁷ Indian Penal Code, 1860. sec 323

⁸ Indian Penal Code, 1860. sec 355

may extend to two years, or with fine, or with both.⁹

Judgement and Analysis:

The Hon'ble Supreme Court of India quashed the litigation between the appellant and respondent on the basis of compromise. The twelve cases of criminal as well as matrimonial disputes pending in different forums were all quashed and disputes were settled between the parties. A compromise deed had been put on record. As per the compromise, the husband agreed to make a payment of Rs. 2,25,00,000/- to the wife as a complete and final settlement, with the understanding that all ongoing litigations between them will come to an end.

The husband had paid a sum of 75,00,000/- via bank draft and another sum of Rs 75,00,000/- had also been paid in court by a 'pay order' to the wife. Priyanka Khanna, the wife, expressed her satisfaction with the payments she has received and stated her intention not to pursue the matter any further in any court.

The parties had also filed an application under Section 13-B of the Hindu Marriage Act, 1955 seeking a dissolution of the marriage by mutual consent. A summary of the twelve litigations between the two parties are following proceedings with regard to the marriage between the parties prior to the filing of this petition which lead to a nasty relationship and the couple asking for a divorce.

(a) A criminal complaint was filed by the Respondent under Sections 190 and 200 of the Code of Criminal Procedure, 1973, seeking the court's recognition of offenses under Sections 323, 355, 506, and 34 of the Indian Penal Code, 1860. The matter was disposed of by the learned Metropolitan Magistrate.

(b) A criminal complaint under Sections 190 and 200 of the Code of Criminal Procedure, 1973 filed by the Respondent for taking cognizance in respect of offences under Sections 323, 355, 506, 34, of the Indian Penal Code, 1860.

(c) A case under Sections 279, 337, 323, of the Indian Penal Code, 1860 bearing F.I.R. lodged with Police Station Marg, New Delhi on the complaint of the petitioner.

⁹ Indian Penal Code, 1860. sec 506

(d) Under the provisions of the Protection of Women from Domestic Violence Act, 2005 pending disposal before the Ms. Shivali Sharma, learned Metropolitan Magistrate.

(e) Petition under Sections 13(1) filed by the Respondent under the Hindu Marriage Act, 1955.

(f) A case under Sections 406 and 498A, Indian Penal Code, 1860 bearing F.I.R. lodged with Police Station Punjabi Bagh, New Delhi.

(g) Three Revision Petitions pending before the court of Mr. Manu Rai Sethi, learned Additional sessions judge titled as *Mr. V.K. Khanna v. State and Mr. Amit Khanna v. State*.

Based on the consent memo filed by the parties, it was agreed that all litigations between them would be terminated. Consequently, a prayer was made to settle the entire dispute at that moment, considering that the respondent had made full payment to the appellant. The court accordingly put it up to the parties as to whether they should terminate the disputes between them by passing appropriate orders.

The court further stated that the first litigation had been filed by the respondent on 2nd June, 2006 and a petition for divorce had also been filed by him in the year 2007. The court in accordance with this felt that it would be in the interest of justice that the period of six months should be waived in view of the above facts.

When this case went to the Metropolitan Magistrate, he considered the income of the husband and awarded the wife with monthly maintenance of Rs. 10,000 and apart from that Rs. 5000 for rent of the apartment, and this was reasonable as the husband's salary was Rs. 28,000 that month but the learned Additional sessions judge on the basis that the husband was a wealthy and prominent man who owned a large number of both moveable and immovable properties, and since it was well known that couples typically hide their true income and fail to report it on their tax filings gave a much higher maintenance to be paid by the husband. Properties owned by the sister-in-law, mother, or father cannot be regarded as properties belonging to the spouses. If such properties were to be considered as assets of the husband, then properties owned by the wife's father, mother, brother, or sister could also be seen as reflecting her status and income. This could lead the court to conclude that the wife possesses sufficient properties and does not require maintenance.

Once an individual becomes self-sufficient and employed, their own income should serve as

the basis for determining maintenance for their dependents, including their wife, parents, or children. The properties owned by their brothers or parents should not be considered when determining the maintenance amount. The status of a person should not be determined based on the status of their siblings or parents. In the case of *Manpreet Singh Bhatia v. Sumita Bhatia*,¹⁰ in determining the amount of maintenance to be awarded by the husband to his wife, the courts referred to Section 23 of the Hindu Marriage Act, 1955. Several factors were taken into consideration, including the husband's and wife's respective status, the validity of the wife's appeal for maintenance, the living conditions of the wife and the reasonableness of the amount sought, any properties already owned by the wife, and the personal expenses of the husband.

In the present case, an important factor taken into consideration was the initial intention of the parties prior to their marriage. It was noted that the couple's marriage was not arranged but was based on a long-term romantic relationship spanning nearly a decade. Considering this, it was concluded that the wife's decision to marry was not primarily influenced by the status of the husband's relatives and hence, it must be assumed that love for the husband and not for his or his relative's assets is to be taken into consideration when adjudging upon adequate maintenance. It was deemed inappropriate to direct the husband to pay maintenance of Rs. 45,000/- when his monthly salary was Rs. 41,000/-. The order given by the Assistant sessions judge was considered contradictory to established law and was subsequently overturned.

Hence, it has to be presumed that love was with the person and not with the property and it is the income and wealth of the husband which is to be looked at by the lower court for deciding proper maintenance.

Conclusion

Generally, courts require the evidence provided by a spouse accusing the other spouse of a marital offence to be corroborated. However, a decision cannot be solely based on an uncorroborated statement from the wife.

In the present case, the wife's claim that her husband had a significant stake in his family's properties was not supported by corroborating evidence. Even if her claim were true, belonging to a family with abundance or sufficient assets is not sufficient grounds to order maintenance exceeding the husband's monthly income. It would be unreasonable and unjustified to direct

¹⁰ *Manpreet Singh Bhatia v. Sumita Bhatia* 2016 SCC 5598

the husband to pay an amount that exceeds his means based solely on the assumption that he may have access to properties owned by his parents and siblings. The conditions and factors to be considered while determining the amount of maintenance to be awarded can be found in section 23 of the Hindu Marriage Act, 1955. This section does not mention the evaluation of the accused family's wealth as a relevant factor.

Therefore, in the pursuit of justice and fairness, it is important to refer to this precedent and fully comprehend the careful process of assessing the value of maintenance payable in each case based on relevant and significant facts.