
CASE NOTE: SUMAN SINGH V. SANJAY SINGH (2017) 4 SCC 85

Gauri Girdhar, Symbiosis Law School, Pune

BEFORE THE SUPREME COURT OF INDIA

(Before R.K. Agarwal & Abhay Manohar Sapre, JJ.)

Suman Singh.....Appellant/Accused”

V.

Sanjay Singh.....Respondent/s”

Decided on March 08, 2017

CASE DETAILS

- 1. Name of the Case-** Suman Singh v. Sanjay Singh
- 2. Citation -** (2017) 4 SCC 85
- 3. Date of Decision –** March 08, 2017
- 4. Case Category -** Marriage and Divorce (Mental Cruelty)
- 5. Decided by –** Appeal of the decision given by the Supreme Court of India
- 6. Bench -** Hon’ble R.K. Agarwal & Abhay Manohar Sapre, JJ.
- 7. Prosecution Council -** D.N. Goburdhun and Ms. Pallavi Chopra
- 8. Defense Council –** Gaurav Goel and Rajesh Kumar

INTRODUCTION OF THE CASE

The appellant¹ (wife) filed a review petition against the respondent² (husband) in the Hon'ble Supreme Court of India to overrule the previous orders of the Trial Court and the High Court³ on the grounds of mental cruelty⁴ under the provisions of the Hindu Marriage Act, 1955. The petitioner's demand for divorce was dismissed by the Hon'ble Supreme Court of India⁵ stating that the grounds were not satisfactory and the appellant's appeal seeking restitution of conjugal rights was allowed.

FACTS & PROCEDURAL HISTORY

- The marriage between the petitioner and the respondent was solemnized on 26th February 1999 in Delhi as per the Hindu rites.
- Out of this wedlock, a daughter was born on 15th June 2002 and the second daughter was born on 10th February 2006.
- On 11th July 2010, the respondent (husband) filed a petition for dissolution of marriage on the ground of cruelty pleading 9 instances under ***Section 13 of the Hindu Marriage Act, 1955*** in the Family Courts, Rohini, Delhi.
- The appellant denied all the allegations filing her written statement and also applied for restitution of conjugal rights under ***Section 9 of The Hindu Marriage Act, 1955*** against the respondent.
- The Family Court passed an order on 14th December 2012 stating that the respondent amounted to 'mental cruelty' under ***Section 9 of The Hindu Marriage Act, 1955***, and also passed a decree for dissolution of marriage dismissing the respondent's petition for restitution of conjugal rights.
- The appellant felt aggravated and filed a special leave petition before the Apex Court.

¹ Suman Singh

² Sanjay Singh

³ Suman Singh v. Sanjay Singh, 2013 SCC OnLine Del 2138: (2013) 136 DRJ 107

⁴ Section 13(1) (ia) of the Hindu Marriage Act, 1955

⁵ Hon'ble R.K. Agarwal & Abhay Manohar Sapre, JJ.

- The Apex Court in its judgment⁶ dismissed the petition filed by the respondent seeking dissolution of marriage and allowed the restitution of conjugal rights.

ISSUES PRESENTED

The petition although seems to be simple, yet involves the complex issue of the tussle between the husband-and-wife relationship. The issues are as follows:

1. Whether the respondent has treated the petitioner with cruelty after the marriage?
2. Whether the appellant is entitled to the restitution of conjugal rights as prayed?
3. Whether the petitioner is entitled to the decree of divorce as prayed?

APPLICABLE RULES & LAWS

The rules applicable in the present case are:

1. *Section 9 of The Hindu Marriage Act, 1955:*

“When either the husband or the wife has, without reasonable excuse, withdrawn from the society of the other, the aggrieved party may apply, by petition to the district court, for restitution of conjugal rights and the court, on being satisfied with the truth of the statements made in such petition and that there is no legal ground why the application should not be granted, may decree restitution of conjugal rights accordingly.”

2. *Section 13 (1) (i-a) of The Hindu Marriage Act, 1955:*

Section 13 (1)

“Any marriage solemnized, 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.”

⁶ Suman Singh v. Sanjay Singh (2017) 4 SCC 85

(i-a)

“After the solemnization of the marriage, treated the petitioner with cruelty.”

3. Section 20 of The Hindu Marriage Act, 1955:

Contents and verification of petitions.

- (1) “Every petition presented under this Act shall state as distinctly as the nature of the case permits the facts on which the claim to relief is founded that there is no collusion between the petitioner and the other party to the marriage.
- (2) The statements contained in every petition under this Act shall be verified by the petitioner or some other competent person in the manner required by law for the verification of plaints, and may, at the hearing, be referred to as evidence.”

ANALYSIS

The Analysis of the Case will be divided into Two-fold:

- 1) The Analysis of the arguments and the Contentions by Both the Parties
- 2) The author’s analysis.

THE ANALYSIS OF CONTENTIONS OF BOTH THE PARTIES-TABULAR PRESENTATION

The case before the Supreme Court was of the special leave petition filed by the appellant (wife) to review the judgment already passed by the Trial Court and the High Court on the matters of divorce and restitution of conjugal rights under various provisions of the Hindu Marriage Act, 1955.

ANALYSIS OF THE CONTENTIONS BY APPELLANT	ANALYSIS OF THE CONTENTIONS BY RESPONDENT
<p>The major contention of the appellant in the present case is to review the judgment already passed and dismiss the decree for dissolution of marriage along with the subsistence of the marriage under <i>Section 9 of the Act</i> seeking restitution of conjugal rights between the parties.</p> <p>Analyzing the condition, it can be concluded that the Apex Court overruled the previous judgments and passed an order in favor of the appellant on the grounds that the respondent failed to make out any case of cruelty and left without there being any reasonable and probable cause.</p>	<p>Rebutting the same, the respondent argued to seek divorce on the grounds of ‘mental cruelty and the dismissal of the conjugal rights under the Hindu Marriage Act, 1955.</p> <p>Analyzing the condition, it can be concluded that the Apex Court’s order dismissed his contentions stating that the incidents and grounds of cruelty stated by him were not enough to prove cruelty against him as they were just general statements and incidents which occurred 8-10 years prior to the filing of the petition.</p>
<p>JUDGMENT OF THE COURT</p> <p>The apex court⁷ ordered appellant and respondent to live together as husband and wife realize their duties and obligations towards each other as well as their daughters in its judgment. The appeal filed by the appellant for the restitution of conjugal rights was granted and the petition filed by the respondent for dissolution of marriage was dismissed.</p>	

AUTHORS ANALYSIS

The issue was brought before the Supreme Court where a special leave petition was filed to overrule the previous order passed by the court. The apex court gave its decision in favor of the appellant analyzing the various issues (listed above) and passed an order stating that the respondent failed to make out any case of cruelty and left without there being any reasonable

⁷ Hon’ble Supreme Court of India

and probable cause not amount to mental cruelty or dissolution of marriage.

The court analyzed **Issue 1** '*Whether, after solemnization of marriage, the respondent has treated the petitioner with cruelty*' and stated that the petitioner was not treated with cruelty.

According to the researcher's opinion, the appellant has not treated the respondent with cruelty. The 9 instances which were explained by him to the court were mere incidents that had no background proof or supporting arguments. Secondly, the incident took place 8-10 years prior to the filing of the complaint which made the court realize that there were no strong and valid contentions on behalf of the petitioner for seeking the ground of mental cruelty under the Hindu Marriage Act, 1955. Moreover, previously, in 2007 the Division bench held in *Samar Ghosh v. Jaya Ghosh*⁸ as to what amounts to mental cruelty and laid 16 grounds for mental cruelty. In this case, first of all, these grounds are not satisfied and secondly, the court was also not satisfied by the petitioners' arguments for mental cruelty against him. Thus, according to me, he was not treated with cruelty.

The court analyzed **Issue 2** '*Whether the appellant is entitled to the restitution of conjugal rights as prayed.*'

According to the researcher's opinion, after the Court determined that the respondent had failed to establish an instance of cruelty against the appellant, it was obvious that it was the respondent, not the appellant, who withdrew from the appellant's company without reasonable cause. As a result, the wife's appeal was allowed. Also, according to my analysis of the material, it appears that the respondent departed from the appellant's organization without justification. Having failed to prove any act of cruelty on the part of the appellant, the respondent has now been shown to have withdrawn from the appellant's company without good reason. Thus, the respondent's (the husband's) petition for dissolution of marriage under **Section 13(1) of the Act** is denied. In light of this, the petition for restoration of conjugal rights brought by the appellant against the respondent under **Section 9** of the Act is granted, and the marriage between the parties is determined to be valid. As such, the respondent is ordered to pay spousal support as part of a ruling on the restoration of conjugal rights.

The court analyzed **Issue 3** '*Whether the petitioner is entitled to the decree of divorce as*

⁸ Samar Singh v. Jaya Ghosh, (2007) 4 SCC 511

prayed.' And stated that he is not entitled.

According to the author, the petitioner is not entitled to the decree of divorce as prayed because he had no strong grounds for making his arguments. This issue is already dealt with in the above two issues. He would have been entitled to divorce if he proved in front of the court the grounds of mental cruelty by his wife against him. Nine instances were listed down by him, but, none of them were strong enough to satisfy the court. The instances were mere incidents. Secondly, according to the author, the court analyzed that these small misunderstandings occur in a relationship and do not amount to mental cruelty. In light of the aforesaid explanation, the appeals are granted. The contested decision is overturned. As a result, the respondent's (husband's) petition for dissolution of marriage under **Section 13(1)** of the Act is dismissed. As a result, the marriage between the parties is presumed to be valid.

CONCLUSION

In this situation, the idea of mental cruelty has been profoundly clarified by the apex court through different points of reference. It has been generally acknowledged by the court that psychological savagery can't be characterized as it is not set in stone with regard to realities and conditions. Mental cruelty is a perspective. The feeling of deep anguish, disappointment, and frustration in one spouse caused by the conduct of others for a long time may lead to mental cruelty. Moreover, the court added specific examples which may add up to mental cruelty, e.g., the one-sided choice of life partner, not to have kids, and the one-sided choice to deny having sex for an impressive period are all instances of mental cruelty.

Cruelty, which is one of the reasons for the dissolution of marriage need not be physical just; mental remorselessness likewise goes under the extent of cruelty. 16 classifications of cases were set down in the Samar Ghose case to test the realities of mental cruelty. The Court for this situation inspected the 16 classifications, however, the test failed.

According to the author, no court should force any couple to stay together if they have decided not to as it not only worsens the situation between them as well as the family but also leaves a very bad impact on both of their lives.