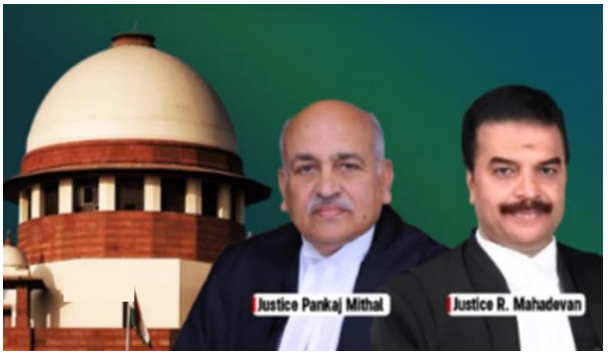
## C. Selvarani V. The Special Secretary-Cumdistrict Collector And Others

- **TOPIC** : Born Christian can't Invoke Doctrine of caste Eclipse for Revival of caste claiming Reconversion As Hindu : SC
- **BENCH** : Justice Pankaj Mithal and Justice R. Mahadevan

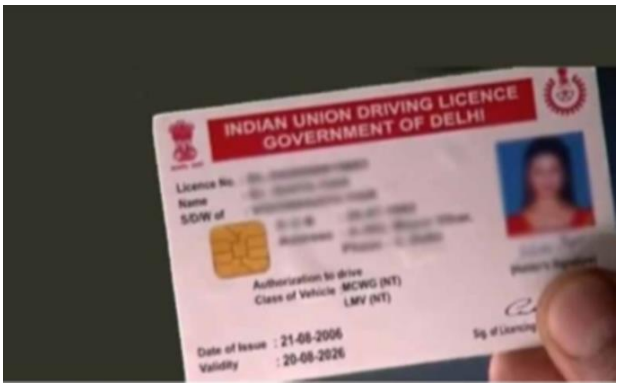



- **FORUM:** Supreme Court
- **MAIN ISSUE**
  - Whether an individual born as a Christian can invoke the doctrine of eclipse of caste or not
- **OBSERVATIONS**
  - The Supreme Court noted that an individual born as a Christian cannot invoke the doctrine of eclipse of caste, as the caste system is not recognized in Christianity.
  - The bench comprising Justice Pankaj Mithal and Justice R. Mahadevan clarified that the doctrine of caste eclipse applies only when a person practising caste-based religion converts to caste-less religion. In such cases, their original caste is considered to remain eclipsed.
  - However, if such persons reconverts to their original religion during their lifetime, the eclipse is lifted, and the caste status is automatically restored. This however will not apply to a born Christian.
  - The aforesaid observation from the bench came while dismissing an appeal preferred by the appellant against the Madras High Court decision denying a Scheduled Caste ("SC") certificate to her born as a Christian who claimed to be Hindu while applying for an Upper Division Clerk job in Puducherry.
  - The appellant stated that she was born to a Hindu father and a Christian mother, both of whom later converted to Hinduism. Citing precedents, including Kailash Sonkar v. Maya Devi (1984), she argued that caste in Hinduism is inherently determined at birth and does not cease to exist upon conversion to another religion. Instead, it remains eclipsed and can be restored upon reconversion to Hinduism, subject to acceptance by the caste or community.
  - However, the appellant failed to provide credible evidence establishing the fact that she has converted to Hinduism.
  - The Court rejected the appellant's argument that her caste was in a state of eclipse following her baptism. It also deemed her reliance on the cited precedents to be misplaced. The Court differentiated the facts of the cited cases from the present case, noting that in those instances, the

    individuals seeking the benefit of the doctrine of eclipse were born Hindu.
  - In contrast, the appellant in this case was born a Christian, a faith that does not recognize the caste system. Therefore, the Court held that the doctrine of eclipse did not apply to her situation.
  - "The decisions of this Court referred to on the side of the appellant, are of no assistance to the appellant, as the same are factually distinguishable and dealt with by this Court on different aspects. In the present case, the appellant was a born Christian and could not be associated with any caste.", the Court said.
  - ''In any case, upon conversion to Christianity, one loses her caste and cannot be identified by it. As the factum of reconversion is disputed, there must be more than a mere claim. The conversion had not happened by any ceremony or through Arya Samaj. No public declaration was effected. There is nothing on record to show that she or her family has reconverted to Hinduism and on the contrary, there is a factual finding that the appellant still professes Christianity. As noticed above, the evidence on hand is also against the appellant. Therefore, the contention raised on the side of the appellant that the caste would be under eclipse upon conversion and resumption of the caste upon reconversion, is unsustainable in the facts of the case.'', the judgment authored by Justice Mahadevan stated.

## Sri Barun Mukherjee and Another v. National Insurance Company Limited & Others

- **TOPIC :** [Motor Accidents] Non – validity of Drive's License violates T & C of Insurance Policy By owner of offending Vehicle : Calcutta High court
- **BENCH :** Justice Ajay Kumar Gupta
- **FORUM:** Calcutta High Court




## ❖ MAIN ISSUE

- When a driver's license is invalid on the day of an accident, then it would be a violation or not of the terms and conditions of the insurance agreement by the owner of the offending vehicle

## ❖ OBSERVATIONS

- The Calcutta High Court has held that when a driver's license is invalid on the day of an accident, then it would be a violation of the terms and conditions of the insurance agreement by the owner of the offending vehicle, who allowed the driver to drive the vehicle without a valid license.
- Justice Ajay Kumar Gupta held: "Furthermore, when the driving licence is not valid on the date of accident, it constitutes a violation of the terms and conditions of the insurance policy by the owner of the offending vehicle by allowing such driver to drive the vehicle without a valid licence."
- The Court was dealing with an appeal where the Motor Accident Claims Tribunal, Burdwan had allowed the M.A.C. Case No. 08 of 2009 in part against the National Insurance Co. Ltd. without cost and ex-parte against the owner of the offending vehicle bearing Registration No. WB-41A/5731.
- It was further observed that the Petitioners would receive an award of Rs. 3,88,500/- and Petitioner No. 1 be granted an additional Rs. 5,000/- extra towards loss of consortium. In addition to that, it was stated that the Petitioners are entitled to receive interest @ 6 % per annum over the amount being Rs. 3,88,500/- from 09.01.2009 to till the date of realization.
- The Tribunal Judge also directed the Insurer to issue two A/C payee cheques of Rs. 1,29,500/- each in favour of the petitioner nos. 2 and 3 and one A/C payee cheque of Rs. 1,34,500/- in favour of petitioner no. 1 along with interest @6% per annum accrued for the period commencing from 09.01.2009 to till the date of realization and deposit the said cheques with the Tribunal.
- The insurer was also granted liberty to take all steps available to get the said amount recovered from the owner of the vehicle bearing no. WB-41A/5731.
- According to the facts, when the victim was proceeding along the G.T. Road along with petitioner no. 1 herein, one tractor bearing registration no. WB-41A/5731 dashed the victim which resulted in his death on the spot.
- The owner of the vehicle appealed on the grounds that the Tribunal failed to consider that the accident was actually caused due to contributory negligence of the victim/deceased and that it erred in holding that the accident was solely due to the rash and negligent driving on the part of the driver of the offending vehicle.
- Secondly, it was argued that the Tribunal Judge was wrong in casting the liability to pay compensation upon the appellant/owner of the offending vehicle holding that the driver's driving licence was invalid on the date of accident but ignored that the said licence had been renewed by the driver.
- Thirdly, it was said that the Tribunal erred in directing the Insurance Company of the offending vehicle to pay the compensation to the claimants and to recover the same from the owner of the offending vehicle.
- Counsel for the respondents argued that the accident occurred solely due to the rash and negligent driving of the driver of the offending vehicle and that, during trial, it was revealed from the evidence that the driving licence of the concerned driver was invalid on the date of accident.
- The Insurance Company raised a specific plea that the driver had no valid licence at the time of the accident and produced one official from the Office of RTO, Burdwan.
- From the records, it was found that the driving licence of the concerned driver was valid up to 06.01.2006 but the accident occurred on 23.01.2008. So, on the date of the accident, the driver did not possess a valid driving licence.
- In hearing the parties, the court noted that claimants were able to prove the accident occurred due to sole rash and negligent driving of the driver and it can be accepted that the accident took place due to the rash and negligent driving on the part of the driver of the offending vehicle.
- It was stated that the Insurance policy was valid but the driving licence of the concerned driver was invalid on the date of accident and it is transpired from the evidence of RTO official that no renewal has been made in respect of the Driving Licence.
- It held that the claim of the appellants is that the

driver has renewed the licence but neither renewal driving licence nor any supporting document was produced before the Tribunal or Court to satisfy the contention of the appellants.

- Accordingly it held that when the driving licence is not valid on the date of accident, it constitutes a violation of the terms and conditions of the insurance policy by the owner of the offending vehicle by allowing such driver to drive the vehicle without a valid licence.
- Thus, it dismissed the appeal and affirmed the order of the tribunal

## Abdul Majeed Lone v. Union of India

- **TOPIC :** Right to Property is a Human Right : J & K High Court orders Rental Compensation To Landowner For 45 Yr long Illegal Occupation
- **BENCH :** Justice Wasim Sadiq Nargal
- **FORUM:** Jammu and Kashmir and Ladakh High Court

- **MAIN ISSUE**
  - Regarding right to property is fundamental to human dignity
- **OBSERVATIONS**
  - Reaffirming that the right to property is fundamental to human dignity and cannot be compromised without legal process and fair compensation, the Jammu and Kashmir and Ladakh High Court has directed the Union of India to pay rental compensation to Abdul Majeed Lone, a Tangdhar landowner whose property has been under military occupation since 1978 without due process.
  - While ordering compensation a bench of Justice Wasim Sadiq Nargal clarified, ‘‘The state in exercise of its power of ‘‘Eminent Domain’’ may interfere with the right of property of a person by acquiring the same but the same must be for a public purpose and therefore, reasonable compensation must be paid’’
  - The dispute revolved around a parcel of land in Tangdhar, Karnah. According to petitioner Abdul Majeed Lone, the Army occupied his land in 1978 without initiating acquisition proceedings or paying any rent.
  - Despite multiple representations to the local authorities and the Army over the decades, Lone received no relief, leading him to file a writ petition in 2014 seeking compensation for the unlawful occupation.
  - The defense, represented by Mr. T.M. Shamsi, DSGI, contended that the Army had never occupied the land and that there was no obligation to pay compensation.
  - In contrast, the Revenue Department, through its Deputy Commissioner, confirmed that the land had been in the Army's possession since 1978, creating a sharp conflict between the respondents' accounts.
  - As a consequence the Division Bench of the Court, with the view to clinch the controversy in question had directed DC Kupwara to conduct a fresh survey with regard to the land in question.
  - The report so submitted indicated that the land in question has been in possession of the Army since 1978 and no rental compensation was ever paid to the petitioner.
  - Understanding that property rights are not only constitutional but also human rights, the court emphasized that the state's power of eminent domain must be exercised strictly for public purposes, with reasonable compensation being integral to the process.
  - Referring to landmark judgments like Vidya Devi v. State of Himachal Pradesh and Shabir Ahmed Yatoo v. UT of J&K, Justice Nargal declared that no citizen could be deprived of their property without legal sanction and due compensation.
  - ‘‘The right to property is now considered to be not only constitutional or statutory right but falls within the realm of human rights.
  - Human rights have been considered in the realm of individual rights such as right to shelter, livelihood, health, employment etc and over the years, human rights have gained a multifaceted dimension’’, the court remarked.
  - Pointing out the findings of a court-ordered survey which confirmed the Army's occupation since 1978, Justice Nargal dismissed the Army's denial of possession as factually incorrect and legally unsustainable.
  - He further criticized the failure of authorities to

adhere to legal procedures while occupying private land for decades, calling it a violation of basic human rights.

- ‘‘The facts mentioned above clearly reveals that the respondents have violated the basic rights of the petitioner and have deprived him of valuable constitutional right without following the procedure as envisaged under law’’, the court said while adding,
- ‘‘The State and its agencies cannot dispossess a citizen of his property except in accordance with procedure established by law. The obligation to pay the compensation though not expressly included in Article 300 A can be inferred from the said Article.’’
- Observing that the petitioner in the present case was dispossessed from their land way back in the year 1978 without legal sanction or following the due process the court directed DC Kupwara to assess the rental compensation in consultation with relevant stakeholders and submit the report within two weeks. The Army must pay the assessed compensation from 1978 to the present within one month of receiving the report, it added.
- Should the Army fail to comply, the petitioner will be entitled to interest at 6% per annum from the date compensation became due, the court concluded

## Monu Singh v. Union of India

❖ **TOPIC :** ‘Candidate cannot Produce Documents At Document Verification stage’, Delhi High Court Dismisses Petition

❖ **BENCH** : Justices Navin Chawla and Shalinder Kaur

❖ **FORUM:** Delhi High court


❖ **MAIN ISSUE**

- Regarding a Petition of a candidate seeking to set aside the rejection of his candidature due to having produced an experience certificate at the stage of document verification.

❖ **OBSERVATIONS**

- A Division Bench of Delhi High court comprising Justices Navin Chawla and Shalinder Kaur dismissed a Petition of a candidate seeking to set aside the rejection of his candidature due to not having produced an experience certificate at the stage of document verification.
- The Bench held that the Advertisement specified the date of uploading the documents and it could not be considered a minor error to produce a certificate after the due date, considering that the candidature of other candidates was rejected on similar grounds.
- The Petitioner applied to the post of Constable (Crew) under a detailed notice for recruitment to various posts of SI in the Water Wing of BSF by Direct Recruitment Examination-2020. The requirements for appointment to the post were;
- i) Matriculation from a recognized board or equivalent and;
- ii) one year experience in operation of Boat below 265 HP and;
- iii) Should know swimming in deep water without any assistance and would submit an undertaking certificate as per Annexure- 'D-1' along with Application Form.
- As per one of the provisions in the Advertisement, the candidates were required to upload the experience certificate to prove the experience.
- The Petitioner uploaded a certificate that had been issued to him by Heritage River Cruises Pvt. Ltd. This certificate was not as per the requirements mentioned in the advertisement and did not meet the eligibility criteria.
- On 16.11.2021, the Petitioner was called for the document verification after he passed the written examination. He was also called for PST and PET examination on the same day.
- While his documents were being checked, it was found that the experience certificate provided by him was not in line with the eligibility criteria and could not be accepted.
- The Petitioner asked for a chance to produce another certificate which according to him would meet the eligibility criteria. He was granted the opportunity and he produced a certificate issued by M.V. Mahaprobhu dated 03.01.2019.
- The respondents however found a discrepancy in both the certificates and rejected the Petitioner's candidature. The Petitioner made representations against the rejection of his candidature and his representations were rejected on 24.11.2021 and

09.12.2021.

- Aggrieved, he approached the High Court.
- The Court held that the Petitioner's Counsel accepted that the experience certificate produced by the Petitioner did not meet the eligibility criteria.
- Observing that the candidature of the petitioner was rightly rejected by the competent authority of the respondents, the Court stated that the new certificate produced by the candidate/Petitioner could not be considered.
- It was held that the Advertisement clearly mentioned the requirements for applying to the Post which also included producing an experience certificate.
- Moreover, it was quite lucidly explained in the advertisement that the candidates were required to upload the certificates at the time of filling the application form. The Bench held that the candidate could not have produced new documents to claim his eligibility right at the time of document verification stage because it was the time for verification of documents and not for production of the same.
- Observing that not being able to upload the correct certificate at the time of uploading documents might have looked like a minor error, the Court held that considering the rejection of candidature of other candidates on similar grounds, it would be unjust and unfair to many other candidates if the Petitioner's experience certificate was accepted at the document verification stage.
- Furthermore, the Court held that it was apprised of the fact that many candidates were rejected for the post since they did not possess the appropriate certificate on the date of the application. Moreover, some of them did not even apply to the post owing to not being able to furnish a certificate that met the eligibility criteria.
- Making these observations, the Court held that it would be unjust to accept the newly produced document of the Petitioner at the stage of Document Verification.
- Accordingly, the Petition was dismissed.

## X v. Y

- **TOPIC :** Second Divorce Plea on Fresh Cause of Action of Cruelty After Dismissal of First Plea Not Barred By Res Judicata : Allahabad HC
- **BENCH :** Justice Rajan Roy and Justice Om Prakash Shukla
- **FORUM:** Allahabad High Court

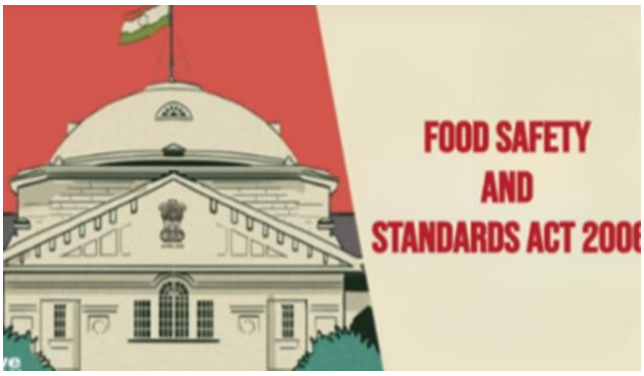

- **MAIN ISSUE**
  - Regarding a man had moved a second divorce plea after dismissal of the first divorce case
- **OBSERVATIONS**
  - While hearing a case where a man had moved a second divorce plea after dismissal of the first divorce case, the Lucknow bench of the Allahabad High Court said that a second divorce petition filed on grounds of cruelty is maintainable where fresh cause of action arises after the dismissal of the first divorce petition.
  - In doing so the court observed that the second divorce plea is not hit by the principle of res judicata.
  - A division bench of Justice Rajan Roy and Justice Om Prakash Shukla held that:
  - ‘‘In present case, apparently, the first matrimonial case for dissolution of marriage filed by the appellant under Section 13 of the Hindu Marriage Act, 1955 was filed on the grounds of cruelty and desertion...the second matrimonial suit is based on a subsequent and fresh cause of action relating to the infliction of cruelty and desertion on a subsequent date and as such the second divorce petition is very much maintainable and the principle of res judicata does not apply.
  - It has to be reminded that ‘‘cause of action’’ means a bundle of facts constituting the right of a party which he or she has to establish in order to obtain a relief from a Court and the same has to be tested on the anvil of evidence led by the parties. In the present case, there is no adjudication on the fresh/subsequent cause of action, which has been raised by the appellant in the second matrimonial case.’’
  - Parties got married in 1993. Soon thereafter problems cropped up in the relationship. In 2005, appellant-husband filed the first divorce petition alleging desertion by the respondent-wife. The

same was dismissed in 2013 by the family court on the ground that desertion was not proved.

- The husband filed an appeal before the High Court which was dismissed as not maintainable as the period of 2 year desertion was not shown by the husband since the divorce petition was filed a day after the wife refused to stay with him.
- Thereafter, in 2021, appellant again for a second time filed for divorce alleging mental and physical cruelty inflicted by the wife against the husband and his family members on September 4, 2020. Before the Family Court, the wife pleaded that since the first divorce petition was dismissed by the Court and the dismissal was upheld by the High Court, the second divorce petition was also liable to be dismissed.
- Dismissing the second divorce petition, the Family Court observed the isolated incident based on which the second divorce petition was filed was in continuation of the cause of action in the first divorce proceedings and was therefore, barred by res judicata. This order of the Family Court was challenged before the High Court.
- The Court observed that though certain paragraphs of the second divorce petition were the same as the first divorce petition, there were additional grounds taken by the appellant the second time.
- It was noted that the appellant highlighted the litigation costs and other expenses paid to the respondent-wife, and the incident of 2020 where the wife had physically and mentally assaulted the family members of the husband. It was observed that while the first divorce was sought solely on grounds of desertion, the second divorce petition was filed alleging both cruelty and desertion.
- Referring to Section 11 of the Civil Procedure Code, the Court held that for the bar of res judicata to operate, it must be seen whether the cause of action of the second suit is different from the first suit.
- "Even if the second suit under consideration would have been filed on some other ground, which was not a ground in the earlier suit for dissolution of marriage, yet, by virtue of application of Order II Rule 2 of the Code of Civil Procedure, he could not have succeeded because the new suit is in fact founded upon the same cause of action," the court said referring to the Supreme Court's decision in State of Maharashtra and Anr. Vs. M/s National Construction Company, Bombay and Anr. The apex court had held therein:
- ‘‘Both the principle of res judicata and Rule 2 of Order 2 are based on the rule of law that a man shall not be twice vexed for one and the same cause. In the case of Mohd. Khalil Khan v. Mahbub Ali Khan, AIR 1949 PC at p.86, the Privy Council laid down the tests for determining whether Order 2 Rule 2 of the Code would apply in a particular situation.
- The first of these is, "whether the claim in the new suit is in fact founded upon a cause of action distinct from that which was the foundation for the former suit." If the answer is in the affirmative, the rule will not apply.’’
- The bench thereafter held that the cause of action in both divorce petitions were different and the cause of action for the second divorce petition arose after the decision in the first divorce petition. Accordingly, the same was not barred by res judicata.
- ‘‘No doubt, the appellant raised the ground of cruelty and desertion and filed the present/second case for dissolution of marriage, however, it is apparent from a plain reading of the second matrimonial case for divorce that the cause of action pleaded was different in the earlier suit and as such this Court does not find any legal impediment in maintainability of the second matrimonial case for divorce on the grounds of res judicata.’’
- Allowing the husband's appeal, the High Court set aside the order of the Family Court in the second divorce petition, and remanded the case for fresh consideration.
- The court said that it hopes and trusts that the Family Court shall make an earnest endeavour to consider and decide the same within a period of eight months from the date of receiving copy of the high court's order

## M/S Kewal Dairy vs. State of U.P. and Another X v. Y

- **TOPIC :** FSS Act | Date of offence Would Be When Food Analyst Report is Received, Not when sample was Collected : Allahabad HC
- **BENCH** : Justice Arun Kumar Singh Deshwal
- **FORUM:** Allahabad High Court




## ❖ MAIN ISSUE

- Regarding the Food Safety and Standards Act, 2006.

## ❖ OBSERVATIONS

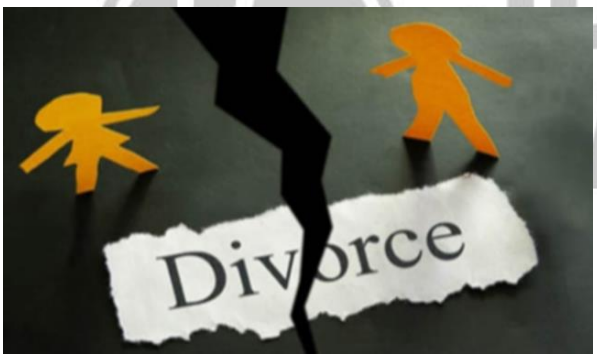
- The Allahabad High Court has held that under the Food Safety and Standards Act, 2006, the date of commission of an offence is determined by the receipt of the food analyst's report about unfit/unsafe food and not by the date when the sample of food is collected.
- The High Court clarified that in the case of the sale of unsafe or substandard milk, the date of commission of the offence would be when the Food Analyst's report about its quality is received, not the date when the sample was collected.
- A bench of Justice Arun Kumar Singh Deshwal observed thus while relying upon the Supreme Court's ruling in the case of State of Rajasthan vs Sanjay Kumar and others 1998, wherein it was held that considering Section 469 of CrPC, for purposes of the Drugs and Cosmetic Act, 1940, the date of commission of offence would be the date on which the report of Government Analyst was received.
- With this, the Court dismissed a Section 482 CrPC plea moved by M/S Kewal Dairy seeking quashing of an order passed by Metropolitan Magistrate-1st, Kanpur Nagar, as well as the entire proceeding of the Complaint Case under Sections 51 and 59(i) of the 2006 Act.
- In brief, the food safety officer collected the milk sample from the applicant's premises on November 24, 2017.
- After that, the sample was sent to the Food Analyst at Regional Food Laboratory Medical College Campus, Meerut, for analysis.
- The first report, received on December 10, 2017, confirmed that the milk was substandard. Subsequently, a notice was issued to the applicant, who filed the appeal before the designated officer against the report of the food analyst, which was allowed, and the sample was again sent for fresh analysis.
- In the second report received on April 25, 2018, the milk sample was again found to be substandard and unsafe. Thus, on May 14, 2018, the Food Safety Officer applied for prosecution approval, which was granted on June 20, 2019. After that, the impugned complaint was filed on July 4, 2019.
- Now, the applicant contended that the impugned proceeding is barred by limitation as in the present case, the sample was collected on November 24, 2017, but the complaint was filed on July 04, 2019, after over a year. Therefore, given Section 468 CrPC, the court was barred from taking cognisance.
- On the other hand, the AGA submitted that after the enforcement of the 2006 Act, a special provision regarding taking cognizance under the Act, 2006, has been provided under Section 77 of the Act, 2006, which provides that the court will not take cognizance of the offence under the Act after the expiry of one year from the date of commission of the offence.
- However, it was further submitted that, for reasons to be recorded by the Commissioner of Food Safety, the aforesaid one-year period can be extended up to three years.
- Thus, it was contended that in such cases, Section 468 CrPC will not be applicable when the specific provision is there because Section 89 of Act 2006 specifically provides that this Act will override all other Acts.
- Against the backdrop of these submissions, referring to the Top Court's 1998 judgment in the case of Sanjay Kumar (supra), the Court observed that the date of commission of offence would be December 10, 2017, when the sample report was received.
- Further, the Court noted that in the instant case, the application for seeking prosecution approval was submitted on May 14, 2018, and approval was granted on June 20, 2019; therefore, the period between May 14, 2018, and June 20, 2019, would be excluded because of Section 470(3) CrPC, which provides that the time taken by the Sanctioning Authority to give sanction has to be excluded while computing limitation.
- Therefore, the Court concluded that the complaint, filed on July 4, 2019, was filed within one year from the date of commission of offence (December 10, 2017) as the period between May 14, 2018, and June 20, 2019, would have to be excluded.
- Further, the Court added that if it is considered that the complaint was filed after one year from the date of commission of offence, even then, the same

would not be barred by limitation as Section 77 of the 2006 Act allows for an extension of up to three years if the Commissioner of Food Safety records specific reasons for the delay in prosecution.

- The Court emphasised that in the case at hand, the Commissioner had granted approval for prosecution within three years from the date of the offence, with reasons documented and thus, the applicant's contention that the prosecution was time-barred after one year was liable to be rejected.
- The court also added that the specific provision of extension of limitation provided under Section 77 of the Act, 2006, will prevail over Section 468 Cr.P.C. because of Section 89 of the Act, 2006, which provides that the FSS Act overrides not only food-related laws but also other Laws, including CrPC.
- With this, the application was dismissed.

## Dr. Bagish Kumar Mishra v. Rinki Mishra

- **TOPIC:** Allegation of Wife Quarreling with Husband Not sufficient To Show Acute Mental Agony : Allahabad High court
- **BENCH** : Justice Rajan Roy and Justice Om Prakash Shukla
- **FORUM:** Allahabad High Court




- **MAIN ISSUE**
  - Regarding allegations of wife quarreling with the husband
- **OBSERVATIONS**
  - The Allahabad High Court has held that allegations of wife quarreling with the husband are not sufficient to show acute mental agony suffered by him so as to seek divorce on grounds of cruelty.
  - Observing that the allegations made by the husband against the wife inflicting cruelty on him were vague in nature, the bench of Justice Rajan Roy and Justice Om Prakash Shukla held, ‘‘The allegations that she was quarreling with him without any reason, in the considered view of this Court, are not sufficient to form any opinion that the appellant/husband is undergoing acute mental pain, agony, suffering, disappointment and frustration and therefore it is not possible for him to live in the company of the respondent/wife.’’
  - Parties were married in 2015 in a Temple in Ayodhya and registered their marriage in 2016.
  - While filing for divorce in 2016, Appellant-husband pleaded that respondent-wife had forbidden him from visiting his family members and supporting his parents and brother. Allegations regarding physical assault were also made against the wife. It was pleaded that the respondent had filed various complaints against the appellant including in his workplace.
  - In response, the respondent-wife pleaded that the parties had lived together for several years and the appellant with the promise of marriage had intercourse with her.
  - An illicit relationship of the husband was also brought to the notice of the Court below.
  - Noting that the parties had a cordial relationship from 2010-2016, the Family Court held that it was not possible to know when cruelty was inflicted by the wife on the husband. Thus, the petition for divorce was dismissed.
  - Challenging the dismissal, the appellant-husband pleaded that the Family Court had ignored the evidence regarding cruelty led by him.
  - It was argued that the fact of mental cruelty was proved by the false complaints lodged by the wife. Further, it was argued that the Family Court had ignored the fact that the wife used to quarrel with him in front of friends/ hospital staff.
  - The Court relied on Samar Ghosh vs. Jaya Ghosh, where the Supreme Court while elaborating on what constitutes mental cruelty, inter alia, held that it cannot be based on a single incident or some incidents over years but must be based on a series of persistent incidents during the span of the relationship where the one partner finds it difficult to live with the other.
  - Noting that no specific instances could be brought on record by the appellant despite having lived with the wife for 6 years, the Court observed that the allegations regarding cruelty were ‘‘nothing but the normal wear and tear in married life.’’
  - The Court held that the allegations made by the husband were general and vague in nature and were not sufficient for the Court to grant a decree of divorce on grounds of mental cruelty. It was further

held that frivolous complaints lodged by the wife and the insults hurled by her in front of family/ friends/ public were not sufficient grounds for grant of divorce.

- The Court also took note of the fact that the case under the Domestic Violence Act had been allowed in favour of the wife and certain maintenance had been awarded to her.
- Holding that the Family Court had rightly refused to grant a decree of divorce as the husband had failed to prove his case, the Court dismissed the appeal.