

Hindu Marriage Act, 1955 Sec. 13(1)(ia) — Divorce on the ground of cruelty —
Non consummation of marriage — Appellant-wife is found to have lodged one FIR for the offences under Section 498A and 406 wherein the respondent-husband and his mother and father were arrested and remained in jail - The appellant-wife in the Court itself exhibited her adamant and callous attitude towards her husband, which leaves no manner of doubt in my mind that the appellant-wife is bent upon treating the respondent-husband with mental cruelty - It is abundantly clearly that the marriage between the parties had broken down irretrievably and there is no chance of their coming together or living together again - Parties have been admittedly living separately for more than 13 years - The irresistible conclusion would be that matrimonial bond has been ruptured beyond repair because of the mental cruelty caused by the appellant-wife.

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