

Hindu Marriage Act, 1955, S. 13(1)(ia) - Cruelty - What is the meaning and import of the expression 'cruelty' as a matrimonial offence is the core question on the determination of which depends the result and the fate of this case - Cruelty for the purpose of Section 13(1)(ia) is to be taken as a behavior by one spouse towards the other which causes reasonable apprehension in the mind of the latter that it is not safe for him or her to continue the matrimonial relationship with the other. Mental cruelty is a state of mind and feeling with one of the spouses due to the behavior or behavioral pattern by the other - Unlike the case of physical cruelty the mental cruelty is difficult to establish by direct evidence - It is necessarily a matter of inference to be drawn from the facts and circumstances of the case - A feeling of anguish, disappointment and frustration in one spouse caused by the conduct of the other can only be appreciated on assessing the attending facts and circumstances in which the two partners of matrimonial life have been living - The inference has to be drawn from the attending facts and circumstances taken cumulatively - In case of mental cruelty it will not be a correct approach to take an instance of misbehavior in isolation and then pose the question whether such behaviour is sufficient by itself to cause mental cruelty - The approach should be to take the cumulative effect of the facts and circumstances emerging from the evidence on record and then draw a fair inference whether the petitioner in the divorce petition has been subjected to mental cruelty due to conduct of the other.

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