

**Hindu Marriage Act, 1955 S. 13(1)(i-a) - Constitution of India, Article 142 -**  
Divorce - Marital discord -- At no point of time have both parties been amenable to a divorce on mutual consent - Lack of consent to divorce in the present matter is also apparent from the subsequent conduct of one of the parties - There is no necessity of consent by both the parties for exercise of powers under Article 142 of the Constitution of India to dissolve the marriage on the ground of irretrievable breakdown of marriage - *Held*, We are conscious that the Constitution Bench is examining the larger issue but that reference has been pending for the last five years. Living together is not a compulsory exercise. But marriage is a tie between two parties. If this tie is not working under any circumstances, we see no purpose in postponing the inevitability of the situation merely because of the pendency of the reference. *R. Srinivas Kumar v. R. Shametha, (2019) 9 SCC 409 and Munish Kakkar v. Nidhi Kakkar, (2020-1)197 PLR 302 (SC) , relied*

**2021 PLRonline 5106 (SC)**