

Hindu Marriage Act, 1955 S. 13(1)(i-a) - Constitution of India, Article 142 - We are, faced with a marriage which never took of from the first day - Marriage was never consummated and the parties have been living separately from the date of marriage for almost 20 years - The appellant remarried after 6 years of the marriage, 5 years of which were spent in Trial Court proceedings - The marriage took place soon after the decree of divorce was granted - All mediation efforts have failed - The marriage having not taken of from its inception and 5 years having been spent in the Trial Court, it is difficult to accept that the marriage soon after the decree of divorce, within 6 days, albeit 6 years after the initial inception of marriage, amounts to conduct which can be held against the appellant.

Held, In the conspectus of all the aforesaid facts, this is one case where both the ground of irretrievable breakdown of marriage and the ground of cruelty on account of subsequent facts would favour the grant of decree of divorce in favour of the appellant.

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