



CIVIL

# Divorce Denied: Patna HC Says Schizophrenia Isn't Enough

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## Introduction

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The Patna High Court in the matter of Sanjay Kumar Shaw vs Smt. Anjali Kumari Shaw<sup>[1]</sup>, has recently held that a spouse's schizophrenia cannot automatically be considered a ground for divorce unless the mental disorder is of such severity that the partner cannot reasonably be expected to continue living together. The ruling came in a case where the court was examining whether mental illness, specifically schizophrenia, could be considered sufficient grounds for dissolution of marriage under existing legal provisions. This decision marks an important development in how the judiciary approaches mental health issues within the framework of matrimonial disputes.

Table of contents

- [Introduction](#)
- [Case Background](#)
- [Court's Ruling](#)
- [Legal Framework and Constitutional Context](#)
- [Importance of Evidence](#)
- [Conclusion](#)

## Case Background

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The appellant-husband and respondent-wife were married in 2005 and lived together for about a year and 11 months. After marriage, the wife's behavior and movement became abnormal, leading to her diagnosis of schizophrenia. She also had a permanent disability in her leg. The respondent's parents never disclosed her condition. After discussing with her family, the wife decided to leave the marriage without allegation and dissolve their marriage. On 26.11.2006, the respondent's mother and relatives took her away, and she has since deserted her matrimonial home. She left the marital home voluntarily within a year of marriage.

## Court's Ruling

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The Patna High Court, comprising Justices Sunil Dutta Mishra and P. B. Bajanthri, dismissed the husband's appeal. The court held that under Section 13(1)(iii) of the Hindu Marriage Act, 1955, the mere existence of a mental disorder is not enough to dissolve a marriage. The disorder must be of such a kind and degree that it is unreasonable to expect the spouse seeking relief to live with the other. The High Court emphasized that mental health conditions must be evaluated on a case-by-case basis, with particular attention to the degree of impairment and its impact on marital life. The bench clarified that the mere diagnosis of schizophrenia does not justify divorce proceedings.

The court further elaborated that the burden of proof lies on the petitioner to demonstrate beyond reasonable doubt that the respondent suffers from a mental disorder of such kind and degree that living together would impose unreasonable hardship on the spouse seeking divorce. The court noted that the husband had failed to produce any medical records or testimony from the treating doctor to substantiate his claims.

## Legal Framework and Constitutional Context

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The ruling references Section 13(1)(iii) of the Hindu Marriage Act, which provides for divorce on grounds of mental disorder, but with specific qualifications. The court interpreted this provision to require demonstration that the mental illness has reached a threshold where cohabitation becomes unreasonable.

The court in the case of *Pawan Kumar Pandey vs Sudha*<sup>[2]</sup> wherein the wife was suffering from Schizophrenia showing erratic behaviour after marriage, held that mere existence of mental disorder of any degree is not sufficient in law to justify the dissolution of marriage. The husband failed to prove that the disorder was of such nature that he cannot reasonable be expected to live with the wife.

In the case of *Ram Narain Gupta vs Smt. Rameshwari Gupta*<sup>[3]</sup>, the court, the court held that mere branding of a person as schizophrenic is not sufficient. The burden of proof of showing the degree of mental illness is with the spouse requesting for

divorce on such ground.

## Importance of Evidence

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The court highlighted the importance of concrete evidence in such cases. It stated that vague or unsubstantiated claims regarding mental illness or cruelty are insufficient to attract the grounds for divorce under the Hindu Marriage Act. In this case, the husband had not provided any documentary or medical evidence to support his allegations. The wife, on the other hand, had denied all the allegations and expressed her willingness to resume cohabitation.

## Conclusion

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The Patna High Court's decision reaffirms the principle that mental disorders, such as schizophrenia, cannot be used as a ground for divorce unless they are severe enough to make cohabitation impossible. The court stressed the need for proper medical evidence to support such claims. This judgment underscores the importance of ensuring that divorce petitions are not filed on the basis of unsubstantiated allegations. Generalized statements about schizophrenia without specific evidence of how it affects the particular individual and the marital relationship cannot be sufficient grounds for divorce.

This ruling serves as a reminder that the legal system aims to protect the rights of individuals and ensure that marriages are not dissolved on flimsy grounds. It also highlights the importance of providing concrete evidence to support claims in legal proceedings. It can be said that while granting divorce on the grounds of mental illness, following points must be taken into consideration:

- Need for detailed medical evidence from qualified professionals
- Consideration of treatment options and their potential effectiveness
- Assessment of the actual impact on marital life rather than theoretical assumptions
- Exploration of possible accommodations and support systems before concluding that divorce is necessary

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<sup>[1]</sup> M.A. No. 1152 of 2018.

<sup>[2]</sup> 2024:AHC-LKO:71619-DB

<sup>[3]</sup> 1988 AIR 2260