



CIVIL

Breaking Down Section 14 HMA: Orissa High Court on Divorce Petitions Within First year of Marriage

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The Orissa High Court recently delivered a significant judgment in the case of *Debabrata Debadas Palei v. Subhakanti Patra & Another*, addressing critical questions about the interpretation and application of Section 14 of the Hindu Marriage Act, 1955 (HMA). The case, presided over by Justices B.P. Routray and Chittaranjan Dash, involved a divorce petition filed by a husband within two months of marriage. This judgment clarifies the procedural and substantive aspects of divorce petitions and highlights the importance of balancing legislative intent with exceptional circumstances.

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Background of the Case

The appellant-husband and respondent-wife were married on May 13, 2020, following Hindu rites and customs. The marriage was arranged by their families, and the couple began their matrimonial life at the husband's residence. However, within a short span of time, marital discord arose, leading to serious disputes and allegations from both sides. On June 24, 2020, just over a month after the marriage, the wife left the matrimonial home and did not return despite repeated requests from the husband and his family. The husband subsequently filed a divorce petition in the Family Court, Bhadrak, on July 7, 2020, within two months of the marriage.

Proceedings in the Family Court

The Family Court dismissed the husband's divorce petition ON 23rd September 2023, holding that he failed to establish sufficient grounds for cruelty or desertion under the HMA. The court also noted that the petition was filed within the period of one year from the date of marriage, which is prohibited under Section 14 of the HMA unless exceptional hardship or depravity is demonstrated. Dissatisfied with this decision, the husband appealed to the Orissa High Court.

The husband argued that the Family Court erred in dismissing the petition without considering the exceptional circumstances of the case, including the serious marital discord and the wife's adamant refusal to return to the matrimonial home. He contended that the court should have allowed the divorce petition based on the grounds of cruelty and desertion.

Legal Provisions and Analysis

Section 14 of the HMA prohibits the presentation of a divorce petition within one year of marriage unless exceptional hardship or depravity is demonstrated. The Orissa High Court observed that the statutory bar is not absolute and can be lifted in rare and exceptional cases. The court referred to the recent decision of the Allahabad High Court in *Smt. Alka Saxena v. Sri Pankaj Saxena*, which clarified that the bar under Section 14 is on the presentation of the petition, not on its entertainment.

The High Court considering the facts of prolonged separation and the protracted litigation, noted that the Family Court proceeded with the case on merits without raising the issue of maintainability under Section 14. It held that the Family Court should have addressed the procedural lapse and the applicability of Section 14 at the outset.

Final Decision

The Orissa High Court set aside the Family Court's order and remanded the matter for fresh adjudication. The court directed the Family Court to adjudicate the matter afresh on merits, ensuring that both parties are given a fair and adequate opportunity to be heard. The parties were directed to appear before the Family Court, Bhadrak, on April 21, 2025, with a certified copy of the High Court's order.

Cautionary Note

The High Court clarified that its decision to remand the matter for fresh adjudication should not be construed as a general precedent to entertain divorce petitions in violation of Section 14 of the HMA. The court emphasized that Section 14 serves a crucial purpose in discouraging hasty dissolutions of marriages and ensuring due deliberation before seeking divorce. The decision is confined to the specific facts of the present case and should not be misinterpreted as diluting the legislative intent behind Section 14 of the HMA.

Conclusion

This judgment reinforces the principle that while Section 14 of the HMA imposes a statutory bar on divorce petitions within one year of marriage, courts retain the discretion to entertain such petitions in exceptional circumstances. The Orissa High Court's decision highlights the importance of balancing legislative intent with the realities of individual cases, ensuring that justice is served without compromising the sanctity of marriage. This case serves as a reminder that procedural lapses must be addressed promptly, and courts must carefully navigate the fine line between upholding legal principles and providing relief in deserving cases.

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