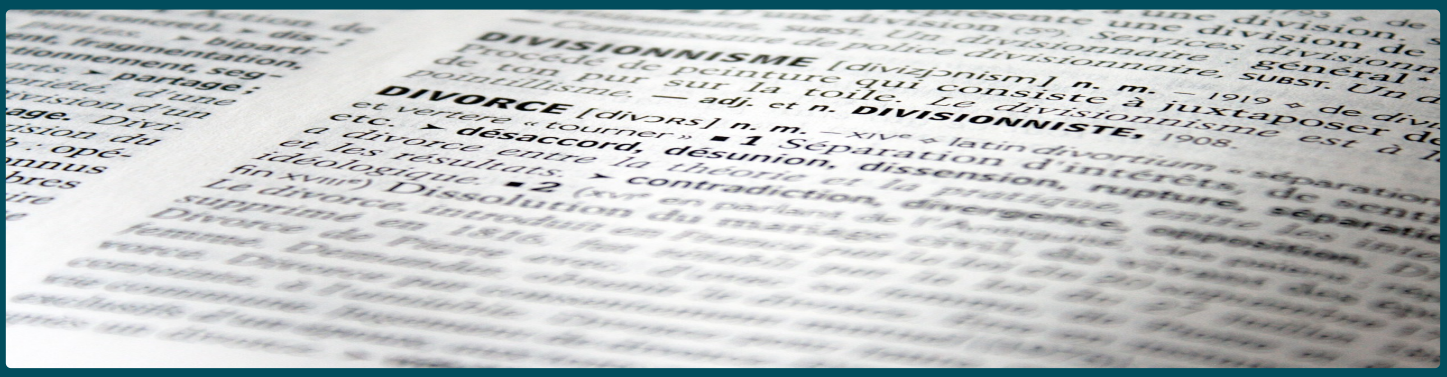
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FAMILY LAW

Delhi High Court Upholds Divorce on Grounds of Cruelty and Long-Term Separation

AUTHOR Nidhi Singh, Riddhi Agarwal

PUBLISHED 13 August 2025

Introduction

In a recent judgment pronounced by the **Delhi High Court** dismissed an appeal filed by Anita Sharma challenging a divorce decree granted in favour of her husband, Naresh Kumar Sharma, by the Family Court at Tis Hazari. The Court affirmed that the marriage, solemnized in 1989, had irretrievably broken down following nearly **15 years of separation** and upheld findings of cruelty under **Section 13(1)(ia) of the Hindu Marriage Act, 1955**.

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Background of the Case

The couple married in 1989 and had two children. However, disputes arose over alleged abandonment by the husband, financial neglect, and sale of the matrimonial home in 2011 without the wife's consent. Anita Sharma claimed that she was left to raise their children alone, incurring debts and leaving her to incur debts and face significant hardship.

The husband later filed for divorce alleging cruelty and adultery, citing defamatory complaints filed by his wife to various authorities, including his employer, Bharat Petroleum Corporation Limited (BPCL). The Family Court granted divorce in April 2025, prompting Anita Sharma's appeal under **Section 19 of the Family Courts Act, 1984**.

Appellant's Arguments

Anita Sharma argued that the Family Court had erred in granting divorce by relying on vague and unsubstantiated allegations. She contended that the accusations of adultery against her were baseless and that by levelling such false charges, her husband had himself committed cruelty.

She maintained that her complaints to authorities and her husband's employer, BPCL, were desperate pleas for assistance in response to his abandonment, financial neglect, and the unauthorized sale of the matrimonial home. She further argued that the Family Court failed to appreciate her financial hardships and debts while overlooking the husband's financial benefits from his Voluntary Retirement Scheme.

Additionally, she challenged the reliance on nine audio recordings submitted by her husband, pointing out that they lacked proper certification under Section 65-B of the Evidence Act (now Section 63 of the Bharatiya Sakshya Adhiniyam, 2023), raising doubts over their admissibility.

High Court's Observations

The Delhi High Court rejected these arguments and upheld the Family Court's findings. It noted that both parties had levelled allegations of extramarital affairs against each other but had failed to produce any credible evidence to substantiate them.

The court emphasized that the wife's repeated complaints to various authorities, particularly to her husband's employer, containing allegations of adultery and misconduct, amounted to mental cruelty as they were intended to damage his reputation and humiliate him in professionally.

Importantly, the court also took note of the fact that the couple had been living separately for nearly fifteen years, observing that such prolonged estrangement reflected a complete breakdown of their marital relationship, which only exacerbated the cruelty inflicted on both sides.

The court referred to Joydeep Majumdar v. Bharti Jaiswal Majumdar to highlight that defamatory complaints to a spouse's employer can severely harm professional reputation and constitute mental cruelty, making continuation of the marital bond

unreasonable. It also relied on N.G. Dastane v. S. Dastane to reiterate that cruelty must be assessed cumulatively by considering the totality of the circumstances and conduct of both parties, rather than evaluating isolated incidents in isolation.

These precedents were crucial in affirming that Anita Sharma's conduct amounted to cruelty and that the prolonged separation further justified dissolution of the marriage.

Key Takeaways

This judgment highlights that defamatory complaints made to a spouse's employer or public authorities can amount to mental cruelty, regardless of whether the allegations are true or false. It reinforces that long-term separation, when coupled with persistent acrimony and failed reconciliation, strengthens the case for divorce on the ground of cruelty. Further, the court's reliance on Section 14 of the Family Courts Act shows that in matrimonial disputes, family courts may admit evidence beyond the strict rules of the Evidence Act to achieve substantive justice. The ruling emphasizes that where a marriage has irretrievably broken down, prolonging the legal battle only deepens the suffering of both parties and serves no useful purpose.

Statutory Provisions

Statutes	Key Provisions
Section 13(1)(ia), Hindu Marriage Act, 1955.	Provides for divorce on the ground that one spouse has treated the other with cruelty, whether physical or mental.
Section 19, Family Courts Act, 1984.	Grants the right to appeal against judgments or orders of Family Courts to the High Court.
Section 63, Bharatiya Sakshya Adhiniyam, 2023.	Deals with the admissibility of electronic records and mandates certification requirements for their proof in court.
Section 14, Family Courts Act, 1984.	Allows Family Courts to receive evidence, including reports or documents, even if they are not admissible under the Indian Evidence Act, to effectively resolve disputes.

Conclusion

The judgment reinforces the judiciary's pragmatic approach to matrimonial disputes where prolonged estrangement and mutual hostility render reconciliation impossible. By dismissing the appeal, the Delhi High Court reaffirmed that in cases where a marriage has broken down irretrievably, continued litigation only inflicts further cruelty on both parties.

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