

2025 LiveLaw (SC) 813

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
VIKRAM NATH; J., SANDEEP MEHTA; J.
SLP(C) NO.31247/2018; AUGUST 14, 2025**

Hindu Marriage Act, 1955; Section 13(1)(ia) & (ib) - Irretrievable breakdown of marriage – Divorce - Supreme Court orders husband to pay Rs. 1.25 crores permanent alimony to his wife while dissolving marriage – Held, there is no possibility of reconciliation between parties and they have been living separately since 15 years - There is no vestige of matrimonial relationship between them and neither party has shown any inclination to resolve their differences - Mediation efforts also failed - Since the respondent-wife and child have not received any financial support from appellant-husband, Rs. 1.25 crores was directed to be paid - Appeal allowed. [Paras 5-9]

[Arising out of impugned final judgment and order dated 24-08-2018 in CMA No. 2678/2017 passed by the High Court of Judicature at Madras]

For Petitioner(s): Mr. S. Nagamuthu, Sr. Adv. Mr. C. Paramasivam, Adv. Mr. M.p. Parthiban, AOR Ms. Priyaranjani Nagamuthu, Adv. Mr. Bilal Mansoor, Adv. Mr. Shreyas Kaushal, Adv. Mr. S. Geyolin Selvam, Adv. Mr. Alagiri K, Adv. Mr. Shivansh Sharma, Adv.

For Respondent(s): Mr. Anup Kumar, AOR Mrs. Shruti Singh, Adv. Mr. Shivam Kumar, Adv. Mrs. Neha Jaiswal, Adv.

J U D G M E N T

VIKRAM NATH,J.

1. Leave granted.
2. This appeal arises from the judgment dated 24.08.2018 passed by the High Court of Judicature at Madras in Civil Miscellaneous Appeal No. 2678 of 2017, whereby the High Court allowed the appeal filed by the respondent-wife and set aside the decree of divorce granted by the Family Court on 17.10.2016.
3. The relevant facts, briefly stated, are as follows:
 - 3.1. The marriage between the appellant-husband and the respondent-wife was solemnized on 15.02.2009. Shortly thereafter, the parties relocated to the United States of America, where the appellant-husband was employed.
 - 3.2. A son was born to the parties on 07.04.2010.
 - 3.3. On 26.09.2012, the appellant-husband instituted a divorce petition bearing H.M.O.P. No. 197 of 2012 (later renumbered as F.C.O.P. No. 245 of 2014) under Sections 13(1)(ia) and (ib) of the Hindu Marriage Act, 1955, seeking dissolution of marriage on the grounds of cruelty and adultery.
 - 3.4. The Family Court, by its order dated 17.10.2016, granted a decree of divorce on the ground of cruelty. The allegation of adultery was not found to be proved.
 - 3.5. Aggrieved by the said decree, the respondent-wife filed Civil Miscellaneous Appeal No. 2678 of 2017 before the High Court on 11.01.2017. Although notice was directed to be issued on 14.02.2017, the same remained unserved upon the appellant-husband.
 - 3.6. On 05.03.2017, the appellant-husband contracted a second marriage.
 - 3.7. The High Court, by the impugned order, set aside the decree of divorce. It observed that the principal instance of cruelty accepted by the Family Court was the rude utterances of the

respondent-wife's father. The High Court held that while such utterances may have agitated the appellant-husband, the respondent-wife could not be held liable for them.

3.8. The appellant-husband is now before this Court, challenging the decision of the High Court.

4. We have heard learned counsel appearing for both parties.

5. At the outset, notice was issued by this Court with a view to exploring the possibility of settlement through mediation. However, the mediation efforts have failed. The appellant-husband has moved an application under Article 142 of the Constitution of India seeking dissolution of the marriage.

6. It is evident that there is no possibility of reconciliation between the parties. They have been living separately since 2010, for nearly 15 years. There is no vestige of matrimonial relationship between them, and neither party has shown any inclination to resolve their differences. Furthermore, the appellant-husband has been remarried since 05.03.2017. In these circumstances, we see no purpose in continuing the legal relationship between the parties. The marriage has irretrievably broken down.

7. We are of the considered view that this is a fit case for granting divorce by invoking our powers under Article 142 of the Constitution. Accordingly, the marriage solemnized on 15.02.2009 stands dissolved.

8. We further deem it just and proper to award a onetime lump sum as permanent alimony to the respondent-wife and their son. It has been brought to our attention that the appellant-husband has not provided financial support during these years. Considering the financial status of both parties and the circumstances of the case, we direct the appellant to pay a sum of ₹1,25,00,000/- (Rupees One Crore Twenty-Five Lakhs only) as permanent alimony and all other claims of the wife would stand satisfied.

9. The marriage between the parties stands dissolved by exercise of this Court's power under Article 142 of the Constitution of India, subject to the condition that the appellant-husband shall pay the aforesaid sum of ₹1,25,00,000/- (Rupees One Crore Twenty-Five Lakhs only) to the respondent-wife as permanent alimony. A decree shall be drawn upon furnishing of proof before the Registry that such payment has been made.

10. The amount shall be paid in five equal quarterly instalments of Rs.25,00,000/- (Rupees twenty five lakhs) each as given hereunder:

- First instalment on or before 15.09.2025;
- Second instalment on or before 15.12.2025;
- Third instalment on or before 15.03.2026;
- Fourth instalment on or before 15.06.2026;
- Fifth and final instalment on or before 15.09.2026.

11. Ordered accordingly. It is further directed that in the event of any default in payment of any instalment, this order shall stand recalled, and any amount already paid by the appellant-husband shall stand forfeited.

12. The appeal is accordingly allowed. The impugned order of the High Court is set aside.

13. Pending applications, if any, stand disposed of.