



IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL DHAGAT

&

HON'BLE SHRI JUSTICE B. P. SHARMA

ON THE 6th OF NOVEMBER, 2025

FIRST APPEAL No. 1360 of 2024

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Appearance:

Shri R. K. Sanghi - Senior Advocate with Shri Raghav Sanghi -
Advocate for petitioner.

Shri Suneesh Tiwari- Advocate for respondent.
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JUDGEMENT

Per. Justice B. P. Sharma

This appeal is directed against the judgment and decree dated 01.05.2024 passed by the learned Principal Judge, Family Court, Jabalpur in RCSHM No. 551/2022, whereby the petition filed by the appellant–husband seeking dissolution of marriage under Sections 13(1)(ia) and 13(1)(ib) of the Hindu Marriage Act, 1955 on the ground of cruelty and desertion was dismissed. The trial court recorded a clear finding that the appellant failed to prove cruelty or desertion and therefore refused to grant a decree of divorce. The husband has preferred the present appeal under Section 19 of the Family Courts Act, 1984.



2. The marriage between the parties was solemnized on 10.03.2018, as admitted by both sides. According to the appellant, soon after the marriage the respondent allegedly started behaving in a rude manner, avoided her marital responsibilities, frequently quarrelled without cause, and insulted him and his family members. It was his case that on 08.12.2018, the respondent left the matrimonial home without justification and thereafter did not return despite repeated requests and efforts made by him . He relied upon certain dates when he allegedly attempted reconciliation, including 18.12.2019, 16.01.2020, 17.02.2020 and 08.03.2020, claiming that the respondent on all these occasions refused to accompany him to the matrimonial home. On these assertions, the husband contended that the conduct of the respondent amounted to cruelty within the meaning of Section 13(1)(ia) of the Hindu Marriage Act and that she had also deserted him without reasonable cause.

3. The respondent, in her written statement and in her testimony before the trial court, specifically denied all allegations of cruelty. She stated that she always had the intention to continue marital life and made sincere efforts for reconciliation, but her attempts were not reciprocated. She asserted that whatever separation occurred was due to the conduct and behaviour of the appellant and his family members and not on account of her fault. She further contended that she was subjected to taunts and mental stress at the matrimonial home and was compelled to leave as circumstances became intolerable. She further stated that she never refused to return to the matrimonial home and that the appellant, after she left due to harassment, immediately initiated legal proceedings only to get rid of her.



4. Before the trial court, the appellant examined himself as a witness. No independent witness was examined to corroborate his allegations, although he had asserted that many elders and relatives were present during the alleged reconciliation attempts. No documentary evidence in the form of written communications, notices, messages, complaints, or medical reports showing any act of cruelty was ever produced by the appellant. The evidence, as appreciated by the trial court, indicates that the allegations of cruelty were general, vague, and lacking in material particulars. The trial court noted that the appellant merely asserted certain dates as attempts at reconciliation but produced no evidence to prove those attempts or to show that the respondent intentionally refused cohabitation.

5. Upon hearing the learned counsel for the appellant, it was argued that the behaviour of the respondent amounted to mental cruelty; that she left the matrimonial home on her own; and that marital relations between the parties had irretrievably broken down. The appellant's counsel submitted that the trial court failed to appreciate the oral testimony of the appellant. It was contended that excessive expectation of documentary proof in matrimonial disputes, where cruelty is primarily mental, leads to injustice. It was also argued that, it was clearly a case of indifferences on the part of the wife as she was self-centred. It was further urged that the long period of separation itself should be treated as mental cruelty and the marriage deserves to be dissolved in the interest of both parties.

6. Per contra, learned counsel appearing for the respondent supported the



judgment of the trial court and submitted that the appellant utterly failed to establish any specific incident of cruelty. It was argued that the respondent had made repeated efforts for reconciliation, while the appellant showed disinterest and proceeded to litigation instead. It was further submitted that the law requires cruelty to be proved by cogent evidence, and mere allegations, however strongly worded, could not confer a right to a decree of divorce. The respondent reiterated that she was always willing to join the matrimonial home but was prevented by circumstances created by the appellant.

7. Cruelty in matrimonial law need not always be physical; mental cruelty, which causes deep anguish, disappointment, and frustration, can also be sufficient ground for dissolution of marriage. Having heard learned counsel for the parties and examined the record, this Court finds that the learned trial court has rightly appreciated the evidence on record and reached a just conclusion. The material evidence does not establish that the behaviour of the wife was consistently hostile, abusive, and disrespectful towards the husband and his mother.

8. The appellant/husband sought to rely upon several allegations, which, according to him, amounted to cruelty. Each of those allegations has been examined by this Court in detail. The first allegation of the appellant was that the respondent/wife was extravagant and spent excessively on expensive items. However, during his cross-examination, the appellant candidly admitted that he did not produce any bills, receipts, or documentary proof to show that such expenses were incurred on account of the respondent's



conduct. Although he further stated that he would be able to produce such bills if called for, no such documents were ever produced either during the trial or at any subsequent stage. The second allegation was that the respondent refused to perform household chores and remained engrossed on her mobile phone for prolonged periods, and that her conduct caused stress to his mother, allegedly to the extent of affecting her cardiac health. However, during cross-examination, the appellant admitted that no medical records, prescriptions, doctor's opinion, or any evidence whatsoever was produced to establish that the respondent's conduct resulted in any deterioration of his mother's health. The appellant married the respondent of his own volition through social media, and if household habits or lifestyle preferences were material factors to him, they could have been ascertained before marriage. Even otherwise, such allegations pertaining to spending habits, household contribution, or mobile usage, without proof of severe mental harassment, do not fall within the statutory meaning of cruelty as required under law.

9. The third allegation of the appellant was that the respondent used to quarrel with customers and employees, namely Nitish and Anushree, at the beauty parlour owned by the appellant's family located at Bilhari Road, Jabalpur, and similarly at their restaurant situated at Moti Mahal, Jabalpur, which allegedly caused financial loss to the businesses and reduced their clientele. However, apart from making these assertions, the appellant did not produce any ledger sheet, audit report, financial records, or any other documentary proof to substantiate that any financial loss occurred on account of the respondent's conduct. As a business proprietor, such documents would



naturally be within his possession and could have easily been produced before the trial court. The failure to do so render the allegation unsubstantiated. The appellant further alleged that the respondent used to threaten him with false criminal complaints; however, in his cross-examination, the appellant admitted that no complaint, report, or FIR was ever registered by the respondent against him or any of his family members. The final grievance of the appellant was that the respondent had refused to accompany him to a social function, i.e., the marriage of his friend Bhavik, on 08.12.2018, which caused him embarrassment. This Court finds that a refusal by a spouse to attend a social event, even if such refusal caused displeasure to the other spouse, does not constitute cruelty in the eyes of law. Matrimonial life involves individual choices and personal preferences, and isolated acts of refusal to participate in social engagements cannot be elevated to the level of matrimonial cruelty warranting dissolution of marriage.

10. Having considered the rival submissions and after examining the trial court record, this Court finds that the trial court has marshalled the facts and evidence correctly. Cruelty under Section 13(1)(ia) of the Hindu Marriage Act must be proven through definite and convincing evidence. The allegations must be specific, supported by instances, dates, and, where possible, independent testimony. In the present case, no particular incident of cruelty has been proved by the appellant. The allegations were sweeping in nature and devoid of specific details. Even the allegation that the respondent refused reconciliation on specific dates such as 18.12.2019, 16.01.2020,



17.02.2020, and 08.03.2020 remains unsubstantiated because no witness who was present on those occasions was examined, nor was any documentary proof filed.

11. Moreover, the respondent's conduct, as reflected in her statements and the evidence, indicates that she was willing to resume her matrimonial life. The appellant could not demonstrate that the respondent intended permanent separation or that she left the matrimonial home with the settled intention not to return. Desertion requires the element of *animus deserendi* which was not proved. The trial court rightly held that the burden of proving cruelty and desertion lies on the party who asserts it, and the appellant failed to discharge that burden .

12. This Court reiterates that a decree of divorce cannot be granted merely because the marriage has become strained or the parties are living separately. Matrimonial ties cannot be dissolved on the basis of general allegations or because of incompatibility alone. The law requires the appellant to establish matrimonial misconduct amounting to cruelty, and the appellant has failed to establish even a single act through reliable evidence.

13. On consideration of the pleadings, evidence, reasoning, and the findings recorded by the Family Court, this Court finds no error, perversity, or illegality warranting interference. The trial court has correctly held that the appellant failed to prove the ground of cruelty and desertion.

14. Consequently, the appeal is dismissed. The impugned judgment and



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decree dated 01.05.2024 passed by the learned Principal Judge, Family Court, Jabalpur in RCSHM No. 551/2022 is hereby affirmed. Parties shall bear their own costs.

(VISHAL DHAGAT)
JUDGE

(B. P. SHARMA)
JUDGE

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