

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO. 64 OF 2026
(ARISING OUT OF SLP (C) NO. 29016 OF 2024**

RABINDRA KUMAR

...APPELLANT(S)

VERSUS

JUHI KUMARI

... RESPONDENT(S)

WITH

**CIVIL APPEAL NO. 65 OF 2026
(ARISING OUT OF SLP (C) NO. 29161 OF 2024**

1. Leave granted.
2. These appeals arise out of the impugned orders dated 1st October 2024 passed by the High Court of Jharkhand at Ranchi in F.A. No.155/2019 and F.A. No.318/2019.
3. The relevant facts, shorn of unnecessary details, are as follows:

3.1. The parties were married on 11th March 2015. The marriage was troubled immediately thereafter.

3.2. On 5th September 2016, the respondent-wife lodged a criminal complaint against the appellant-husband under Sections 498A, 420 and 34 of the *Indian Penal Code, 1860*

(*hereinafter*, “IPC”) at Dumka (Mahila) Police Station, Jharkhand.

3.3. The respondent-wife thereafter wrote to the Divisional Railway Manager, South Eastern Railways, the appellant-husband’s employer, informing the department of the criminal proceedings and seeking action.

3.4. On 7th December 2016, the appellant-husband was arrested in connection with the said complaint.

3.5. On 13th December 2016, the respondent-wife filed an application seeking maintenance under Section 125 of the *Code of Criminal Procedure, 1973* (*hereinafter*, “CrPC”).

3.6. On 21st December 2016, the appellant-husband was granted bail by the Trial Court. The respondent-wife’s challenge to the grant of bail was dismissed by the High Court on 25th July 2017.

3.7. On 22nd May 2017, the respondent-wife initiated proceedings under the *Protection of Women from Domestic Violence Act, 2005* (*hereinafter*, “DV Act”).

3.8. On 18th July 2017, the respondent-wife filed O.S. No.46/2017 seeking restitution of conjugal rights under Section 9 of the *Hindu Marriage Act, 1955* (*hereinafter*, “HMA”).

3.9. In August 2017, the Family Court granted interim maintenance of ₹5,000 (Rupees Five Thousand only) per month to the respondent-wife.

3.10. On 26th March 2018, maintenance under Section 125 *CrPC* was fixed at ₹15,000 (Rupees Fifteen Thousand only) per month.

3.11. On 31st March 2018, the appellant-husband instituted O.S. No.44/2018 seeking divorce under Sections 13(1)(ia) and 13(1)(ib) of the *HMA*.

3.12. By common order dated 16th March 2019, the Family Court allowed O.S. No.44/2018 and granted a decree of divorce while dismissing O.S. No.46/2017. Permanent alimony of ₹10,00,000 (Rupees Ten Lakh only) was directed to be paid, which the appellant-husband deposited before the Family Court by a demand draft.

3.13. Aggrieved, the respondent-wife filed F.A. No.155/2019 and F.A. No.318/2019 before the High Court.

3.14. On 22nd March 2024, the Judicial Magistrate convicted the appellant-husband for offences under Section 498A of the *IPC* and Section 4 of the *Dowry Prohibition Act, 1961*. His appeal is pending.

3.15. By the impugned order, the High Court set aside the decree of divorce holding that no case of cruelty was made out and that it lacked jurisdiction to dissolve the marriage on the ground of irretrievable breakdown.

3.16. Aggrieved thereby, the appellant-husband has approached this Court.

4. We have heard learned senior counsel Ms. Uttara Babbar for the appellant-husband and learned senior counsel Mr. Debal Banerjee for the respondent-wife.
5. The appellant-husband submits that this Court may dissolve the marriage by invoking its powers under Article 142 of the Constitution of India. It is urged that the parties lived together barely for eleven months, have been separated for nine years, and no child was born out of the marriage. It is contended that this is clearly a case of irretrievable breakdown. A prayer is also made for closure of all pending civil and criminal proceedings between the parties.
6. The respondent-wife submits that she is willing to resume cohabitation. She contends that it was the appellant-husband whose conduct led to the present state of the marriage, and he should not be allowed to take advantage of it. She submits that no compelling circumstances exist

for exercise of jurisdiction under Article 142 of the Constitution of India.

7. We have considered the material on record. The relationship between the parties has been marked by continuous allegations, counter-allegations, criminal cases, and civil proceedings. They have lived separately for nine years. There is nothing on record to indicate any sincere effort on either side to revive the marriage. The long separation, the bitterness between the parties, and the absence of any meaningful marital bond make it evident that the marriage has broken down irretrievably. In such circumstances, continuing the legal tie serves no purpose. Therefore, in the interest of doing complete justice, we consider it appropriate to invoke Article 142 of the Constitution and grant a decree of divorce.
8. While opposing divorce, the respondent-wife, through counsel, submitted that she is unemployed and without independent income, and in the event divorce is granted, adequate permanent alimony should be fixed to secure her future.
9. The appellant-husband is employed with South Eastern Railways and earns approximately ₹90,000 (Rupees Ninety Thousand only) per month. Considering his financial standing, the prolonged separation, and the need to ensure that the respondent-wife lives a dignified life, we

hold that ₹50,00,000 (Rupees Fifty Lakh only) is a just and reasonable amount towards full and final settlement, inclusive of permanent alimony.

10. The appellant-husband shall pay ₹50,00,000 (Rupees Fifty Lakh only) in the following schedule:

(I) The first part of ₹25,00,000 (Rupees Twenty-Five Lakh only) shall be paid in two equal instalments:

- First instalment on or before 31st May 2026;
- Second instalment on or before 30th November 2026.

(II) The remaining ₹25,00,000 (Rupees Twenty-Five Lakh only) shall be paid in three instalments:

- ₹5,00,000 (Rupees Five Lakh only) on or before 30th November 2027;
- ₹10,00,000 (Rupees Ten Lakh only) on or before 30th November 2028;
- ₹10,00,000 (Rupees Ten Lakh only) on or before 30th November 2029.

11. The appellant-husband shall file an undertaking within four weeks from today affirming that he will adhere to the above payment schedule.

12. The amount of ₹10,00,000 (Rupees Ten Lakh only) already deposited before the Family Court shall be released to the

respondent-wife along with accrued interest within four weeks. This amount is over and above the amount of ₹50,00,000 fixed herein by this order.

13. All litigations between the parties and their family members, including those mentioned in the application under Article 142 of the Constitution of India, shall stand closed. The non-exhaustive list is as follows:

- (i) FIR No.03/2016 before Dumka Mahila Police Station, in which Appeal No.30/2024 is pending before the Sessions Judge, Dumka;
- (ii) PCR Case No.219/2017 before the Chief Judicial Magistrate, Dumka (stayed by the High Court);
- (iii) O.M. No.12/2018 (recovery suit) pending before the Senior Civil Judge, Dumka;
- (iv) Complaint dated 23.12.2024 regarding the appellant-husband's father's house being locked.

Any other civil or criminal proceeding between the parties shall also stand closed in view of this settlement.

14. The marriage between the parties stands dissolved by exercise of this Court's powers under Article 142 of the Constitution of India, subject to payment of ₹50,00,000

(Rupees Fifty Lakh only). The Registry shall draw a decree upon the appellant-husband filing the undertaking. In the event of any default in payment of any instalment, this order shall stand recalled and any amount already paid shall stand forfeited.

15. The Registry shall forward a copy of this order to the concerned police stations, courts, and authorities to facilitate closure of the pending proceedings.
16. The respondent-wife shall furnish the necessary bank details to enable payment.
17. Ordered accordingly. The appeals and the application under Article 142 of the Constitution of India are allowed. The impugned orders of the High Court are set aside. A decree of divorce is granted subject to payment of permanent alimony as directed above, and all pending cases between the parties shall stand closed.
18. Pending applications, if any, stand disposed of.

.....J.
[VIKRAM NATH]

.....J.
[SANDEEP MEHTA]

NEW DELHI
DECEMBER 08, 2025