



Magnum Lex
Advocates & Consultants

NEWSLETTER

Issue IX, Dated: 02.03.2021

JUDGEMENTS

1. Joydeep Majumdar vs. Bharti Jaiswal Majumdar

Defamatory complaints by highly educated spouse irreparably damaging reputation and career of partner amounts to mental cruelty entitling divorce decree – Supreme Court of India

The Brief Facts of the case are that the Appellant is an Army Officer with M.Tech qualification. The Respondent is holding a faculty position in the Government College. In present case, the High Court set aside the decree for dissolution of marriage and allowed the Respondent's suit for restitution of conjugal rights, under the impugned judgment. Challenging the High Court's decision, the learned Senior Counsel highlights that, the Respondent had filed a series of complaints against the Appellant before the superior officers in the Army upto the level of the Chief of Army Staff and to other authorities and these complaints have irreparably damaged the reputation and mental peace of the Appellant. The Appellant cannot therefore be compelled to resume matrimonial life with the Respondent, in the face of such unfounded allegations and cruel treatment.

For considering dissolution of marriage at the instance of a spouse who allege mental cruelty, the result of such mental cruelty must be such that, it is not possible to continue with the matrimonial relationship. In other words, the wronged party cannot be expected to condone such conduct and continue to live with his/her spouse. The degree of tolerance will vary from one couple to another and the Court will have to bear in mind the background, the level of education and also

the status of the parties, in order to determine whether the cruelty alleged is sufficient to justify dissolution of marriage, at the instance of the wronged party.

The question which requires to be answered here is whether the conduct of the Respondent would fall within the realm of mental cruelty. The allegations are levelled by a highly educated spouse and they do have the propensity to irreparably damage the character and reputation of the Appellant. When the reputation of the spouse is sullied amongst his colleagues, his superiors and the society at large, it would be difficult to expect condonation of such conduct by the affected party.

The explanation of the wife that, she made those complaints in order to protect the matrimonial ties would not justify the persistent effort made by her to undermine the dignity and reputation of the Appellant. In circumstances like this, the wronged party cannot be expected to continue with the matrimonial relationship and there is enough justification for him to seek separation.

Link:

https://main.sci.gov.in/supremecourt/2019/28114/28114_2019_43_1501_26512_Judgement_26-Feb-2021.pdf

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Magnum Lex, Advocates & Consultants

Office No. 101, A-32, First Floor, Patparganj, Mayur Vihar-Phase 1, Near
Una Enclave, Delhi-110091

Email Id: info@magnumlex.com , magnumlex123@gmail.com

Website: www.magnumlex.com