

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2023
(arising out of SLP (C) No. 5268 of 2020)

RAJESH KUMAR SINGH APPELLANT

VERSUS

SUMAN YADAV RESPONDENT

O R D E R

Leave granted.

The appellant - Rajesh Kumar Singh and the respondent - Suman Yadav got married on 09.02.1999. They stayed together till 25.05.2000 at IFFCO Township, Anwla. It is the case of the appellant - Rajesh Kumar Singh that they did not have any conjugal relationship.

Since 2001, the appellant - Rajesh Kumar Singh and the respondent - Suman Yadav have been engaged in litigation. Even criminal complaints have been made. Bitter and searing allegations have been made *inter se* the parties.

In our opinion, it is clear that the marriage is dead and there is no emotional bond between the parties. The appellant - Rajesh Kumar Singh, in fact, stands convicted in a prosecution under Sections 498A, 323 of the Indian Penal Code, 1860 and Section 3/4 of the Dowry Prohibition Act, 1961.

However, a revision petition is pending against the said conviction. The appellant - Rajesh Kumar Singh though on bail, was earlier arrested and had remained incarcerated for over two months in the year 2002.

Several attempts have been made to reconcile the differences, without success. Efforts to amicably settle the disputes through mediation were also made by this Court on two occasions, while the appeal was pending before this Court. Mediation has not been successful.

The appellant - Rajesh Kumar Singh is working as an Engineer in IFFCO and the respondent - Suman Yadav is also working as Assistant Professor in Bundelkhand Institute of Engineering & Technology, Jhansi. They are financially independent, and have not connected with each other for nearly two decades. They do not have a child.

However, one of the grievances raised by the respondent - Suman Yadav is that her Stridhan has not been returned. This is disputed by the appellant - Rajesh Kumar Singh, who states that the respondent - Suman Yadav had continued to reside in the property after the appellant - Rajesh Kumar Singh was arrested. She had taken away her belongings when she left the residence.

In 2001, the appellant- Rajesh Kumar Singh had filed a divorce petition against the respondent- Suman Yadav under

Section 13 of the Hindu Marriage Act, 1955 on somewhat serious grounds, which need not be reproduced here. The divorce petition was dismissed by the Ld. Civil Judge (Senior Division), Etawah. The first appeal filed before the High Court of Allahabad by the appellant- Rajesh Kumar Singh in the year 2010, was dismissed with costs in the year 2020.

This Court in "*Shilpa Sailesh v. Varun Sreenivasan*"¹ held that in exercise of power under Article 142(1) of the Constitution of India, marriage can be dissolved on the ground of its irretrievable breakdown. Further, this Court in *Shilpa Sailesh* (supra) laid down the factors to be considered in determining irretrievable breakdown of marriage:

1. The period of time the parties had cohabited after marriage;
2. When the parties had last cohabited;
3. The nature of allegations made by the parties against each other and their family members;
4. The orders passed in the legal proceedings from time to time;
5. The cumulative impact on the personal relationship;
6. Whether, and how many attempts were made to settle the disputes by intervention of the court or through mediation, and when the last attempt was made, etc.;
7. The period of separation should be sufficiently long, and anything above six years or more will be a relevant factor.

¹ 2023 SCC OnLine SC 544.

The aforesaid factors, this Court clarified, have to be evaluated keeping in view the economic and social status of the parties, including their educational qualifications, whether the parties have any children, their age, educational qualification, and whether the other spouse and children are dependent, in which event how and in what manner the party seeking divorce intends to take care and provide for the spouse or the children.

In view of the aforesaid undisputed position, we deem it appropriate to give a legal burial to the dead marriage in exercise of the power under Article 142(1) of the Constitution of India. Accordingly, we pass a decree of divorce dissolving the marriage between the appellant - Rajesh Kumar Singh and the respondent - Suman Yadav. We clarify that we have not been persuaded to accept any allegations made by the appellant - Rajesh Kumar Singh against the respondent - Suman Yadav.

We direct the appellant - Rajesh Kumar Singh to pay Rs.20,00,000/- (rupees twenty lakh only) to the respondent - Suman Yadav by way of five equal installments of Rs.4,00,000/- each (rupees four lakh only). The first installment will be paid to the respondent - Suman Yadav on or before 31.01.2024; second installment by 31.03.2024; third installment by 31.05.2024; fourth installment by 31.07.2024; and the last installment will be paid by 30.09.2024. However, we delete the

cost imposed by the High Court in view of the order passed by this Court directing the appellant - Rajesh Kumar Singh to pay Rs.20,00,000/- (rupees twenty lakh only) to the respondent - Suman Singh.

We clarify that we have not quashed the criminal proceedings, and the revision petition filed by the appellant - Rajesh Kumar Singh will be decided on its own merits.

The impugned judgment is set aside and the appeal is allowed in the above terms.

Pending application(s), if any, shall stand disposed of.

.....J.
(SANJIV KHANNA)

.....J.
(S.V.N. BHATTI)

NEW DELHI;
DECEMBER 01, 2023.

ITEM NO.52

COURT NO.3

SECTION XI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 5268/2020

(Arising out of impugned final judgment and order dated 27-01-2020 in FA No. 291/2020 passed by the High Court of Judicature at Allahabad)

RAJESH KUMAR SINGH

Petitioner(s)

VERSUS

SUMAN YADAV

Respondent(s)

(IA No. 36369/2020 - EXEMPTION FROM FILING O.T.)

Date : 01-12-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s) Mr. V.K. Shukla, Sr. Adv.
Ms. Parul Shukla, AOR
Ms. Shreya Bhojnagarwala, Adv.
Ms. Subhangi Pandey, Adv.

For Respondent(s) Mr. Virag Gupta, Adv.
Mr. Vishal Arun Mishra, Adv.
Ms. Harshita Nigam, Adv.
Mr. Kaushal Kishore, Adv.
Mr. Saurabh Sharma, Adv.
Ms. Shalu Sharma, AOR

UPON hearing the counsel, the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(BABITA PANDEY)
COURT MASTER (SH)

(R.S. NARAYANAN)
ASSISTANT REGISTRAR

(Signed order is placed on the file)