

Family Law Judgments

A Monthly Wrap | **September 2026**



Title and Case details	Case Brief
Supreme Court: Long-term desertion by wife warrants divorce; husband directed to pay Rs. 7 lakh alimony Bijendra vs. Rekha (MANU/SC/0977/2026; 2026 INSC 939)	The Supreme Court has addressed whether Bijendra was entitled to a divorce from Rekha on the grounds of desertion under Section 13(1)(ib) of the Hindu Marriage Act, 1955. The Court found that despite the High Court's earlier ruling, the evidence showed Rekha had deserted Bijendra since December 2005, fulfilling the criteria for desertion. The Court dissolved the marriage, granting Bijendra a divorce, and ordered him to pay Rekha Rs. 7,00,000 as permanent alimony. The Court upheld the lower courts' findings on cruelty, finding no basis to disturb them.
Supreme Court: Restores Acquittal in Wife's Suicide Case, Finds No Evidence of Abetment Sanjay Kumar vs. State of Himachal Pradesh (MANU/SC/0989/2026; 2026 INSC 948)	The Supreme Court has addressed the appeal of Sanjay Kumar against the High Court of Himachal Pradesh's decision, which had overturned his acquittal by the Sessions Court and convicted him under Sections 498-A and 306 of the Indian Penal Code for allegedly driving his wife to suicide. The Court found that the High Court erred by not adequately considering the Sessions Court's reasoning, which had found the evidence against Kumar to be insufficient and largely hearsay. The Supreme Court emphasized the need for clear evidence of abetment under Section 306 and found none, noting Kumar's efforts to seek medical help for his wife. Consequently, the Supreme Court set aside the High Court's judgment, reinstating the acquittal and canceling Kumar's bail bonds. The appeal was allowed, and Kumar was acquitted of all charges.

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Supreme Court: Upholds UK as Appropriate Forum for Divorce, Rejects Anti-Suit Injunction Against Foreign Proceedings Mihir Prakash Bajoria vs. Vidushi Jain Bajoria (MANU/SC/1063/2026; 2026 INSC 1034)	The Supreme Court has addressed the appeal by Mihir Prakash Bajoria challenging the Calcutta High Court's decision to set aside an anti-suit injunction granted by the Alipore Trial Court, which restrained Vidushi Jain Bajoria from pursuing divorce proceedings in the UK. The core issue was whether the Indian court could prevent parallel foreign proceedings, given the parties' substantial connections to the UK. The Court upheld the High Court's decision, emphasizing the doctrine of forum non conveniens and the principle of comity of courts, noting that the UK was the appropriate forum for the divorce proceedings.
Bombay High Court: 'Joint Parenting' Not recognised under Indian Law; child welfare paramount Snehasis Rashbihari Batabyal vs. Dolan Acharya (MANU/MH/5745/2026; 2026:BHC-AS:35695)	The Bombay High Court has addressed a custody dispute between Snehasis Rashbihari Batabyal and Dolan Acharya over their 14-year-old son. The court examined whether the family court's order for joint parenting was appropriate, given the father's claim of sole custody based on prior consent terms. The court found procedural irregularities in the family court's decision and emphasized that child welfare is paramount, requiring fair hearing and evidence before modifying custody arrangements. The judgment was set aside, and the case was remanded for fresh consideration, maintaining the child's current custody with the mother and granting the father specified access.
Bombay HC: Widow's Post-Death Adoption Cannot Claim Family Pension Kunal vs. The State of Maharashtra and Ors. (MANU/MH/5774/2026; 2026:BHC-AUG:40232-DB)	The Bombay High Court has addressed whether Kunal, adopted by the widow of deceased Zilla Parishad employee Bhagwat Kanhu Fegade after his death, is entitled to family pension under Rule 116(16)(b)(iii) of the Maharashtra Civil Services (Pension) Rules, 1982. The court concluded that the rule requires a direct and proximate relationship with the deceased, which does not include children adopted posthumously by a widow. The court held that such an adoption does not qualify for family pension benefits.

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Delhi HC: Upholds Maintenance Order, Rejects Challenge to Settled Marriage Status Alok Kumar Das vs. Mamta (MANU/DE/6392/2026; 2026:DHC:7277)	The Delhi High Court has addressed the issue of whether Alok Kumar Das was obligated to pay maintenance to Mamta, whom he claimed was not his legally wedded wife. The court considered the prior judgments, including a 2006 decision affirming their marriage, which Alok Kumar Das had unsuccessfully challenged. The court found no merit in his arguments, noting that the Family Court's decision was well-reasoned and supported by evidence. The court dismissed the revision petition, upholding the maintenance order, and emphasized that the petitioner could not contest settled issues in a new proceeding.
Delhi High Court: Jurisdiction under HMA lies where parties last resided, not where they first lived Poonam Vs. State NCT of Delhi (MANU/DE/6630/2026; 2026:DHC:7518-DB)	The Delhi High Court has observed that under Section 19(iii) of the Hindu Marriage Act, 1955, (HMA) jurisdiction lies where the parties last resided together. The Court has observed that merely relying upon the parties' earlier residence at Sangam Vihar for about one and a half years cannot confer territorial jurisdiction upon the learned Family Court when, admittedly, the parties thereafter shifted to Gurugram and lastly resided together there. The requirement under Section 19(iii) of the HMA is that the parties must have last resided together within the territorial jurisdiction of the Court.
Delhi HC: FIR in Dowry Case Cannot Be Quashed Where Allegations Require Trial Evidence Rajesh Kumar and Ors. vs. State and Ors. (MANU/DE/6496/2026; 2026:DHC:7407)	The Delhi High Court has addressed the petition by Rajesh Kumar and others seeking to quash FIR No. 369/2017, which alleged offenses under Sections 498A, 406, and 34 of the IPC and Section 4 of the Dowry Prohibition Act, 1961. The court examined whether the continuation of proceedings constituted an abuse of process, particularly given the time elapsed since the alleged offenses. The court upheld the charges against Rajesh Kumar under Section 498A IPC and against his stepmother Rani under Section 406 IPC, citing specific allegations of cruelty and misappropriation of jewelry. The court dismissed the petition, emphasizing that the issues raised required trial evidence and could not be resolved under Section 482 CrPC. The court referenced precedents like <i>Vanka Radhamanohari v. Vanka Venkata Reddy</i> (MANU/SC/0510/1993) and <i>Rashmi Kumar v. Mahesh Kumar Bhada</i> (MANU/SC/1052/1997), highlighting the need for judicial restraint in quashing charges at the preliminary stage.

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Delhi HC: FIR Under Sections 498A/406 IPC Quashed After Matrimonial Settlement Deepak Kumar and Ors. vs. Govt. of NCT of Delhi and Ors. (MANU/DE/6595/2026; 2026:DHC:7475)	The Delhi High Court has addressed the quashing of FIR No. 569/2024 involving Deepak Kumar and others against the Govt. of NCT of Delhi and others, concerning allegations under Sections 498A/406/34 IPC. The core issue was whether the FIR should be quashed following a mutual settlement between the parties, who had resolved their disputes through mediation and obtained a mutual consent divorce. The court, noting the private nature of the dispute and the complainant's consent, exercised its inherent powers under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to quash the FIR and all related proceedings.
Delhi HC: Section 125 CrPC Aims to Prevent Destitution, Upholds Interim Maintenance Manav Tandon vs. Sidhi Luthra and Ors. (MANU/DE/6445/2026; 2026:DHC:7404)	The Delhi High Court has addressed the petition by Manav Tandon challenging the Family Court's order granting interim maintenance of Rs. 75,000 per month to his wife, Sidhi Luthra, and their minor son. The court considered the petitioner's claims regarding his income and financial obligations but found no jurisdictional error or material irregularity in the Family Court's decision. The court emphasized the purpose of Section 125 Cr.P.C. to prevent destitution and ensure basic sustenance for the wife and child. The petition was dismissed, affirming the interim maintenance order, with the understanding that the final determination of income and liabilities would occur during the ongoing proceedings.
Delhi HC: 498A FIR Quashed Following Divorce Settlement Harkirat Singh Sangha and Ors. vs. State NCT of Delhi and Ors. (MANU/DE/6655/2026; 2026:DHC:7471)	The Delhi High Court has addressed the quashing of FIR No. 301/2025, involving Harkirat Singh Sangha and others against the State NCT of Delhi and others, concerning allegations under Sections 498A/34 IPC. The core issue was whether the FIR should be quashed following a settlement between the parties, who had resolved their matrimonial disputes through a Memorandum of Understanding. The court noted that the complainant, who had already divorced the petitioner by mutual consent, did not wish to pursue charges and had received a settlement amount. Exercising its inherent powers under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the court quashed the FIR, as the matter was private and not of public interest, and directed the submission of original documents to the concerned authorities.

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Calcutta High Court: Mutual Consent Divorce Justifies Quashing S.498A IPC Cruelty Case under HMA Sri Prince Bansal Vs. State of West Bengal & Anr. (MANU/WB/2150/2026; CRR 2063 OF 2024)	The Calcutta High Court has addressed the issue of whether a criminal proceeding under Section 498A IPC should be quashed following a mutual consent divorce between Prince Bansal and Anamika Sarkar. The court found that the marriage had been dissolved, all matrimonial disputes settled, and Anamika had agreed to withdraw the criminal case but failed to do so. Citing precedents like B.S. Joshi (MANU/SC/0230/2003) and Gian Singh MANU/SC/0781/2012), the court held that continuing the prosecution served no public interest and constituted an abuse of process. Consequently, the court quashed the criminal proceedings against Prince Bansal.
Jharkhand HC: Review Cannot Be Used as an Appeal in Divorce Case Sangeet Kumar Dubey vs. Kriti Tiwari (MANU/JH/1397/2026; 2026:JHHC:26682-DB)	The Jharkhand High Court has addressed a civil review petition filed by Sangeet Kumar Dubey against Kriti Tiwari, seeking to review a previous judgment dismissing his appeal for divorce on grounds of cruelty under Section 13(1)(i-a) of the Hindu Marriage Act, 1955. The court examined whether there was an error apparent on the face of the record or new evidence warranting a review. It found that the petitioner failed to demonstrate any such error or prejudice due to the non-calling of the Trial Court Record.
Calcutta High Court: Orders return of child to adoptive parents, says he was not abandoned Smt. Aparna Das & Anr. Vs. The State of West Bengal & Ors. (MANU/WB/2147/2026; W.P.A. No.13525 of 2026)	The Calcutta High Court has addressed the issue of whether the Child Welfare Committee (CWC) acted lawfully in taking custody of a minor, Amit Das, from Aparna Das and others, who had adopted him through a notarized deed without following statutory procedures. The court found that the adoption did not comply with the Juvenile Justice (Care and Protection of Children) Act, 2015, and the Adoption Regulations, 2022, as the child was neither "orphan" nor "abandoned" and did not fall under the category of 'children in need of care and protection.' The court directed the CWC to return the child to the petitioners, emphasizing the principles of the child's best interest and family responsibility. The petitioners were instructed to seek a legal declaration of adoption from the appropriate court, and the District Legal Services Committee was tasked with monitoring the child's welfare.

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Uttarakhand HC: Educated Wife's Earning Capacity No Bar to Maintenance Ankur Sharma vs. Shalini (MANU/UC/0432/2026; 2026:UHC:7959)	The Uttarakhand High Court has addressed the issue of whether Ankur Sharma should pay maintenance to his wife, Shalini, and their minor son, as ordered by the Family Court. Ankur Sharma challenged the Family Court's decision, arguing that Shalini, being educated and employed, should not receive maintenance. The court, referencing the Supreme Court's precedent in <i>Sunita Kachwaha v. Anil Kachwaha</i> (MANU/SC/0964/2014) held that education or potential earning capacity does not negate the right to maintenance unless sufficient independent income is proven. The court found no error in the Family Court's order for Ankur Sharma to pay Rs. 8,000 per month each to Shalini and their son and thus dismissed the revision.
Karnataka HC: Remands Divorce Case for Fresh Consideration on Cruelty, Desertion Claims Sumitra vs. Fakirappa Dundappa Naik (MANU/KA/3726/2026; 2026:KHC-D:14751-DB)	The Karnataka High Court has addressed the appeal by Sumitra against Fakirappa Dundappa Naik, challenging the trial court's decree dissolving their marriage on grounds of cruelty and desertion under the Hindu Marriage Act, 1955. The court found that the trial court failed to adequately assess the statutory requirements for desertion and cruelty, particularly the two-year desertion period, and did not provide a detailed examination of the cruelty allegations. Consequently, the High Court set aside the trial court's judgment and remanded the case for fresh consideration, allowing both parties to present their cases anew. The parties are instructed to appear before the trial court on 28.09.2026.
Jharkhand High Court Sets Aside Restitution of Conjugal Rights Decree, Finds Wife Had Just Cause to Live Separately Rani Parween vs. Md. Mubarak Ansari (MANU/JH/1231/2026; 2026:JHHC:23476-DB)	The Jharkhand High Court has addressed the appeal filed by Rani Parween against Md. Mubarak Ansari, challenging the Family Court's decision granting restitution of conjugal rights to the husband. The core issue was whether the wife had lawful cause to refuse cohabitation due to alleged cruelty. The court found that the Family Court failed to properly consider evidence of cruelty and harassment by the husband and his family, which justified the wife's refusal to return. Consequently, the High Court quashed the Family Court's judgment and allowed the appeal, setting aside the decree for restitution of conjugal rights.

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Orissa HC: Father’s Visitation Rights Cannot Be Denied Without Evidence of Harm to Child Swarup Raj Mohanty vs. Smaranika Mohanty (MANU/OR/1131/2026; 2026:OHC:85)	The Orissa High Court has addressed the issue of visitation rights for Swarup Raj Mohanty, the petitioner-husband, who sought permission to visit his minor daughter, Divyanshi, after his application was rejected by the Family Court due to allegations of his addiction to intoxicants. Despite these allegations, the court found no substantial evidence to justify a complete denial of visitation. Citing precedents like <i>Yashita Sahu v. State of Rajasthan</i> (MANU/SC/0052/2020), the court emphasized the child's right to maintain contact with both parents and allowed supervised visitation under specific conditions, including police presence in civilian attire during visits. The writ petition was allowed, setting aside the Family Court's order, and detailed guidelines for visitation and interaction were established.
Uttarakhand HC: Rs. 25,000 monthly maintenance reasonable for wife and daughter despite husband’s income claim Anil Joshi vs. State of Uttarakhand (MANU/UC/0438/2026; 2026:UHC:8026)	The Uttarakhand High Court has addressed the issue of whether the maintenance awarded to Anil Joshi's estranged wife and daughter by the Family Court was excessive. Anil Joshi challenged the Family Court's order, directing him to pay Rs. 12,500 per month each to his wife and daughter, arguing that the amount was disproportionate to his income. The court found that Joshi's average annual income was approximately Rs. 20,00,000, making the maintenance amount reasonable. The court also noted that the wife's educational qualifications did not negate her right to maintenance, as she lacked independent income. The court dismissed the revision, upholding the Family Court's order.
Telangana HC: Police Must Follow Arnesh Kumar Guidelines in Dowry Harassment Cases Sai Mohan Gandikota and Ors. vs. The State of Telangana and Ors. (MANU/TL/0698/2026; CRLP.Nos.13737 & 13825 of 2026)	The Telangana High Court has addressed petitions by Sai Mohan Gandikota and others seeking to quash proceedings in an FIR alleging dowry harassment under Section 85 of the Bharatiya Nyaya Sanhita, 2023, and the Dowry Prohibition Act, 1961. The court noted the dispute arose from matrimonial issues and emphasized the need for the Investigating Officer to follow the procedure under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023, and the Supreme Court's guidelines in <i>Arnesh Kumar v. State of Bihar</i> (MANU/SC/0559/2014). The court directed adherence to these procedures and disposed of the petitions, allowing the investigation to proceed with the petitioners' cooperation.

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Jharkhand HC: Mere Allegations of Cruelty Not Ground for Divorce Dhruv Alok vs. Meera Kumari (MANU/JH/1453/2026; 2026:JHHC:27615-DB)	The Jharkhand High Court has addressed an appeal by Dhruv Alok against Meera Kumari, challenging the Family Court's dismissal of his divorce petition under Section 27(1)(d) of the Special Marriage Act, 1954, on grounds of cruelty. The court found that Dhruv Alok failed to provide specific evidence of cruelty by Meera Kumari that would justify a divorce. The court emphasized that mere allegations without concrete evidence do not meet the legal threshold for cruelty. The appeal was dismissed, affirming the Family Court's decision, with no interference warranted by the High Court.