REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

N.G. DASTANE V. S. DASTANE (1975)

BENCH: Mr. Justice Y.V. Chandrachud, Mr. Justice P.K. Goswami & Mr. Justice R.S. Sarkaria

DECIDED: March 19, 1975

RATIO DECIDENDI & PRECEDENTIAL CRUX:
Foundational three-judge bench ruling establishing that standard of proof in matrimonial cruelty is preponderance of probabilities, not criminal proof beyond doubt.

1. Factual Matrix & Background:

A husband sought judicial separation and divorce alleging continuous verbal abuse, threats, and erratic conduct by his wife. The High Court dismissed the petition on the ground that cruelty was not proved beyond reasonable doubt.

2. Substantive Legal Questions Framed:

What is the standard of proof required to establish matrimonial cruelty under the Hindu Marriage Act, and what constitutes condonation under Section 23(1)(b).

3. Analysis & Ratio Decidendi:

The Supreme Court three-judge bench held that matrimonial proceedings are civil in nature. The standard of proof is the balance of probabilities, not the strict criminal standard of proof beyond reasonable doubt. Cruelty does not require proof of physical violence; conduct creating a reasonable apprehension in the petitioner's mind that it is harmful or injurious to live with the other spouse amounts to cruelty. However, resumption of sexual intercourse constitutes condonation.

4. Principles Enunciated:

- 1. Standard of proof in matrimonial causes is preponderance of probabilities.
- 2. Cruelty encompasses mental cruelty and conduct causing reasonable apprehension of harm.
- 3. Condonation under Section 23(1)(b) requires complete reconciliation and restoration.

5. Practical Litigation Implications:

- In matrimonial trials, counsel must emphasize the civil standard of proof under Dastane, proving that on a balance of probabilities the spouse's conduct caused apprehension of injury.

.....J.
[SUPREME COURT BENCH]

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