REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

RAMESH CHANDER V. SAVITRI (1995)

BENCH: Mr. Justice Kuldip Singh & Mr. Justice N. Venkatachala **DECIDED:** January 10, 1995

RATIO DECIDENDI & PRECEDENTIAL CRUX:
Where a marriage is dead emotionally and practically and parties have lived apart for decades, Supreme Court can dissolve marriage under Article 142.

1. Factual Matrix & Background:

The parties had been living separately for over twenty-five years with continuous litigation. The husband's divorce petition was dismissed by lower courts because technical statutory cruelty was not proved. The husband appealed to the Supreme Court seeking dissolution under Article 142.

2. Substantive Legal Questions Framed:

Whether the Supreme Court should dissolve a dead marriage under Article 142 of the Constitution even where the statutory grounds of divorce are not strictly established.

3. Analysis & Ratio Decidendi:

The Supreme Court dissolved the marriage under Article 142, holding that keeping an empty shell of a dead marriage alive serves no social or moral purpose. Where a marriage has irretrievably broken down and parties have lived apart for over two decades without any possibility of reconciliation, continuation of the legal bond inflicts cruelty on both spouses. The Court awarded permanent maintenance to secure the wife's future.

4. Principles Enunciated:

- 1. Article 142 empowers the Supreme Court to do complete justice by dissolving dead marriages.
- 2. Irretrievable breakdown is an equitable consideration for constitutional dissolution.
- 3. Adequate financial maintenance and security for the wife is a mandatory prerequisite.

5. Practical Litigation Implications:

- In appeals before the Supreme Court in long-standing separations (>15-20 years), invoke Article 142 alongside a fair financial settlement proposal to secure divorce.

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

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