



2026 INSC 334

REPORTABLE
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE/INHERENT/ORIGINAL
JURISDICTION

CIVIL APPEAL NO(S). _____ OF 2026
(@ SPECIAL LEAVE PETITION (CIVIL) NO(S). 28311 OF 2024)

XXX **....APPELLANT(S)**

VERSUS

YYY **....RESPONDENT(S)**

WITH

CONTEMPT PETITION(C) NO(S). 626-627 OF 2025
IN SLP(CIVIL) NO(S). 28311 OF 2024

CONTEMPT PETITION(C) NO(S). 657-658 OF 2025
IN SLP(CIVIL) NO(S). 28311 OF 2024

MISCELLANEOUS APPLICATION NO(S). 2161 OF 2025
IN WRIT PETITION(CIVIL) NO(S). 240 OF 2025

J U D G M E N T

Mehta, J.

CIVIL APPEAL @ SLP(CIVIL) NO(S). 28311 OF 2024

1. Heard.

2. Leave granted.

3. The appellant¹ and the respondent² are spouses in acrimony, embroiled in a vicious spate of litigation spanning nearly a decade. In our firm opinion, the actual sufferers of this litigation would be the two minor sons of the parties.

4. The instant appeal is directed against the order dated 4th September, 2024 passed by the High Court of Judicature at Bombay³ in Writ Petition No. 6328 of 2023, whereby the High Court dismissed the writ petition filed by the appellant-wife seeking expeditious disposal of the execution proceedings regarding arrears of maintenance, as infructuous, on the ground that the learned Presiding Officer of the Family Court at Bandra⁴ had resumed duties.

Brief Facts: -

5. The facts necessary and germane for the disposal of this appeal are noted hereinbelow: -

6. The marriage between the appellant-wife and the respondent-husband was solemnized on 20th January, 2010 according to Hindu rites and

¹ Hereinafter, referred to as “appellant-wife”.

² Hereinafter, referred to as “respondent-husband”.

³ Hereinafter, referred to as “High Court”.

⁴ Hereinafter, referred to as “Family Court”.

subsequently registered under the Special Marriage Act, 1954. Two children (sons) were born from the wedlock, who are currently in the care and custody of the appellant-wife.

7. On account of grave differences and acrimony, the relationship between the parties went sour, leading to their separation on 9th October, 2016.

8. Since the said date, the parties have been living separately. It is the case of the appellant-wife that pursuant to the separation, the respondent-husband eschewed all obligations to support and maintain the appellant-wife and the two minor children.

9. Shortly after the separation, the appellant-wife initiated legal proceedings to secure her residence at the shared matrimonial home, a 3 BHK flat situated at Lokhandwala Complex, Kandivali, Mumbai, by moving an application⁵, seeking relief in the form of injunction to restrain the respondent-husband from disturbing her peaceful possession over the shared residence. The appellant-wife also moved an application for divorce⁶ before the Family Court. The

⁵ Petition No. B-76/2016.

⁶ Divorce Petition No. A-871/2018.

said divorce petition was accompanied by an application for interim maintenance as well.

10. In the meantime, the respondent-husband also filed a separate divorce petition⁷ and a petition seeking custody of the children⁸.

11. The learned Family Court *vide* order dated 7th January, 2019 allowed the appellant-wife's prayer for temporary injunction and granted interim relief by directing respondent-husband and his family members not to disturb the appellant-wife's peaceful possession over the matrimonial home till the final disposal of the petition, or until the respondent-husband provided an alternate accommodation of similar size with similar amenities to the satisfaction of the appellant-wife.

12. Furthermore, the learned Family Court *vide* order dated 6th February, 2019 allowed the appellant-wife's prayer for interim maintenance after taking into consideration the needs of the appellant-wife and the two minor children, including their educational and allied expenses, and after assessing the respondent-husband's financial capacity on the basis

⁷ Petition No. A-2445/2018.

⁸ Petition No. D-36/2017.

of the material placed on record, including his income and banking details and, directed the respondent-husband to pay Rs. 50,000/- per month to the appellant-wife and Rs. 15,000/- per month to each of the two children (Total Rs 80,000/- per month) from the date of filing of application (15th March, 2018) till the final disposal of the main petition. The Family Court further directed the respondent-husband to bear the educational and school-related expenses of the children and also directed him to pay Rs.20,000/- as litigation expenses to the appellant-wife.

13. Due to the continuous non-compliance with the order of maintenance, the appellant-wife initiated execution proceedings by moving Regular Darkhast Petition⁹ against the respondent-husband for recovery of arrears.

14. It may be noted that the respondent-husband instituted Criminal Misc. Application No. 53 of 2018 seeking initiation of prosecution against the appellant-wife for alleged perjury/false statements made in the divorce and maintenance proceedings.

⁹ Regular Darkhast No. 139/2019.

The learned Family Court, on consideration of the pleadings and the material placed on record, *vide* order dated 25th September, 2019 observed that certain statements attributed to the appellant-wife were *prima facie* incorrect and that the appellant-wife could not shift the entire blame upon her erstwhile counsel. However, the learned Family Court declined to direct prosecution under Section 340 of the Code of Criminal Procedure¹⁰, holding that the requirement of expediency in the interest of justice was not satisfied, and observed that such aspects could be appropriately considered at the stage of trial. Accordingly, the said application under Section 340 CrPC, along with ancillary applications, came to be rejected.

15. It may further be noted that the respondent-husband had also moved an application¹¹ in the injunction proceedings before the Family Court, seeking vacation of the temporary injunction order dated 7th January, 2019 passed in respect of the matrimonial home. The learned Family Court, *vide* order dated 24th July, 2020 rejected the said prayer

¹⁰ For short, “CrPC”.

¹¹ Exhibit 58 in Petition No. B-76/2016.

noting respondent-husband's continued non-compliance of the interim maintenance order dated 6th February, 2019, further observing that appellant-wife's right to residence could not be defeated, particularly when interest of two minor children was also involved.

16. The record further reflects that the respondent-husband has initiated multiple legal proceedings and applications challenging various orders passed by the learned Family Court. In particular, the respondent-husband challenged the order awarding interim maintenance dated 6th February, 2019 by filing a writ petition¹² before the High Court.

17. At the time of hearing of the aforesaid writ petition, the respondent-husband submitted before the High Court that he would deposit the entire arrears within a period of 8 weeks from 5th February, 2020. Based on the said undertaking by the respondent-husband, the High Court *vide* order dated 5th February, 2020 issued notice and granted conditional protection from coercive recovery.

¹² Writ Petition No. 11914 of 2019.

18. The High Court *vide* order dated 27th November, 2020 dismissed the aforesaid writ petition while observing that the learned Family Court had assessed the respondent-husband's income derived from various sources and, keeping in view the lifestyle enjoyed by the parties, the quantum of maintenance awarded appeared to be just and reasonable in the facts of the case.

19. The learned Family Court, *vide* order dated 3rd February, 2021 passed in the execution proceedings (Regular Darkhast No. 139 of 2019 and connected matters), noted that despite dismissal of the respondent-husband's challenge to the interim maintenance order by the High Court, the respondent-husband had continued to default and sought repeated adjournments. The Court observed that the very purpose of the maintenance order had been frustrated for nearly two years, and accordingly directed the respondent-husband to clear at least 50% of the arrears within two weeks, failing which the Court would proceed to consider striking off his defence; dismissal of custody and divorce petitions filed by him and; to issue distress warrant for recovery of arrears.

20. Subsequently, the learned Family Court *vide* order dated 17th February, 2021 dismissed the respondent-husband's divorce and custody petitions by resorting to Order XXXIX Rule 11¹³ of Code of Civil Procedure and further struck off the respondent-husband's defence in the injunction and divorce proceedings initiated by the appellant-wife, on account of continued non-compliance with the interim maintenance order. In the said order, the learned Family Court recorded the respondent-husband's dilatory/dubious conduct and observed that the respondent-husband had tried his level best to ensure that the actual fruits of the interim maintenance order do not reach the appellant-wife and the two minor children. However, in the interest of justice, the respondent-husband was granted one more opportunity to clear the entire arrears within 30 days from the date of the order.

21. Despite the specific directions passed in this regard, the respondent-husband failed to comply therewith and, instead, continued to insist upon hearing of his innumerable pending applications. The

¹³ As introduced by the Bombay Amendment.

learned Family Court, *vide* subsequent order dated 6th December, 2021 observed that the mounting arrears of maintenance had become the principal impediment to the progress of trial and the very object of interim maintenance would stand frustrated if the order remained merely on paper. Hence, the Court once again directed the respondent-husband to deposit at least 50% of the arrears within 30 days, failing which his pending as well as future applications were to be treated as disposed of, while leaving the appellant-wife at liberty to pursue appropriate execution remedies in accordance with law.

22. Despite these orders, the respondent-husband failed to clear the arrears of maintenance, leading the appellant-wife to file another execution petition¹⁴ seeking payment of arrears of Rs. 31,19,000/- before the Family Court.

23. Aggrieved by the inordinate delay in adjudication of the execution proceedings, which had remained pending for over 24 months due to the non-posting of a presiding officer in the Family Court, the

¹⁴ Regular Darkhast No. 130/2022.

appellant-wife preferred a writ petition¹⁵ before the High Court under Article 227 of the Constitution of India with the following prayers:

a. This Hon'ble Court be pleased to Call for records and proceedings pending on file of the Ld. Family Court and exercise its extra ordinary writ jurisdiction by issuing a writ of mandamus or any other writ in the nature of mandamus, thereby directing the Respondent to forthwith pay to the petitioner arrears of maintenance under the order dated 06.02.2019 and 05.02.2020;

b. This hon'ble court be pleased to exercise its extra ordinary writ jurisdiction and issue writ of mandamus or any other writ in the nature of mandamus, thereby directing the Ld. Judge Family Court, Bandra to hear the RD No. 139/2019 and RD 130/2022 filed by the Petitioner and pass necessary orders within a time bound manner and in any event within a period of 4 weeks;

c. This Hon'ble Court be pleased to issue such process including an appropriate warrant in the event Respondent fails to abide by the orders of this, Hon'ble Court;

d. That pending the hearing and final disposal of the writ petition this Hon'ble Court be pleased to order and direct the Respondent to forthwith clear all arrears of school fees of the children Master PPP and Master QQQ

e. That pending the hearing and final disposal of the writ petition this Hon'ble Court be pleased to order and direct the Respondent to deposit with this Hon'ble Court the amounts in arrears of maintenance;

f. That pending the hearing and final disposal of the writ petition, this Hon'ble Court be pleased

¹⁵ Writ Petition No. 6328 of 2023.

to direct the Respondent to disclose on oath his income, movable and immovable assets;
g. for interim reliefs in terms of prayer clause (c), (d) and (e)”

24. Although the High Court *vide* order dated 1st August, 2023 initially directed the concerned In-charge Court at Family Court to pass appropriate orders within two weeks, the respondent-husband again resorted to filing multiple Interlocutory Applications¹⁶ seeking vacation of the aforesaid order and quashing of the maintenance proceedings.

25. In pursuance of the order dated 1st August, 2023, the learned Family Court took up the execution proceedings for hearing, wherein the respondent-husband assured the Court that he would clear the arrears of Rs. 1,30,000/- before the next date, pursuant to which the learned Family Court *vide* order dated 17th August, 2023 referred the parties to mediation. However, instead of acting on his assurance, the respondent-husband moved another application¹⁷ seeking closure of the execution proceedings which then came to be rejected by the Family Court *vide* order dated 18th August, 2023. The

¹⁶ (I.A. No. 14182/2023, 14509/2023, 14513/2023).

¹⁷ Exhibit 6 in Regular Darkhast 139 of 2019.

respondent-husband again sought time to clear the arrears and gave an undertaking to clear the same within one month.

26. Flouting the said undertaking, the respondent-husband instead of complying with order of the Court continued to move further applications seeking modification of the interim maintenance order. In particular, the respondent-husband filed W.P. (Stamp) No. 11634 of 2024 and W.P. No. 6457 of 2024 for modification of the order dated 6th February, 2019 and consequential orders of the High Court.

27. Ultimately, the High Court, by the impugned order dated 4th September, 2024 disposed of Writ Petition No. 6328 of 2023 filed by the appellant-wife as infructuous, observing that the petition had been filed when no Presiding Officer was posted in the Court and that the execution proceedings were now assigned to a regular Court and could be heard by the concerned Presiding Officer. The High Court further declined to issue time-bound directions, holding that it was not an exceptional case warranting such directions.

28. It is in this background that the appellant-wife has approached this Court seeking interference with

the impugned order dated 4th September, 2024 and for consequential directions to ensure expeditious disposal of execution proceedings and recovery of maintenance arrears payable under the subsisting interim maintenance order.

Proceedings before this Court: -

29. The instant special leave petition came up for preliminary hearing before this Court on 6th December, 2024, whereupon notice was issued to the respondent-husband.

30. When the matter was taken up on 15th January, 2025 it was submitted by Mr. Devashish Bharuka, learned senior counsel appearing for the appellant-wife that she was willing to seek a divorce on terms fixed by the Court. The respondent-husband had also applied for a decree of divorce by filing an Interlocutory Application¹⁸ under Article 142 of the Constitution of India.

31. *Vide* order dated 25th February, 2025, the respondent-husband appearing in-person was directed to file an affidavit of income and assets in accordance with the law laid down in ***Rajnish v.***

¹⁸ I.A. No. 13394 of 2025.

Neha and Another¹⁹ within two weeks. On the said date, serious concerns were raised by the learned senior counsel appearing for the appellant-wife regarding the respondent-husband filing numerous complaints and proceedings before the State Bar Council and criminal Courts not only against the appellant-wife and children but also against the advocates representing them. Taking note of the list of advocates being targeted and the submission that the respondent-husband was exploiting his knowledge as a law professional to frustrate the proceedings and to intimidate the advocates appearing for the appellant-wife, this Court stayed all such proceedings pending before the respective forums and Courts by order dated 25th February, 2025 which reads thus:-

“The respondent appears in person and has been pleading his case. He is directed to file an affidavit of income and assets in accordance with the decision of this Court in **'Rajnesh v. Neha and Anr.'**, reported in **(2021) 2 SCC 324**, within two weeks from today.

List the matter again on 18.03.2025.

Mr. Devashish Bharuka, learned senior counsel appearing for the petitioner, has pointed out that the respondent has been repeatedly

¹⁹ (2021) 2 SCC 324.

filing applications, complaints and various proceedings not only against his wife and children, but also against the lawyers representing them.

Several complaints have been filed before the Bar Council of Maharashtra, the Bar Council of India and the Criminal Courts under Section 156(3) Cr.P.C.

Mr. Bharuka, learned senior counsel, further submitted that respondent being a lawyer himself, has exploited his knowledge and expertise to harass everyone connected to his wife and frustrate all proceedings initiated by his wife. He has requested for granting stay of all such proceedings. The details of the complaints are reproduced hereunder:

S.No	Details	Section	Court	Status	Filed against
1	P.E. No. 90/2025	Section 35 of the Advocate's Act, 1961	Bar Council of Maharashtra and Goa	Pending	Sujit Lahoti, Tejasvi Kudtarkar
2	SW Cases 379/2023	499 r/w 500, 501, 504, 102(B), 107, 34 r/w 511, 209 of the IPC	The Metropolitan Magistrate, 17 th Court, Borivali	Pending	Adv. Robin George
3	SS 165/2023	499 r/w 500, 501, 504, 505, 120(B), 107, 34 r/w 511 of the IPC	The Metropolitan Magistrate, 71 st Court, Bandra	Pending next date 28.04.2025	Adv. Sanjay Ambedkar
4	Misc. Cases 6401505/2023	156 (3), 200 of the Cr.P.C.	The Metropolitan Magistrate, 64 th Court,	Pending	Adv. Kokila Kalra

			Esplanade, Mumbai		
5	Interim Application in RD 130 of 2019 Contempt Petition	N.A.	Bandra Family Court	Pending	Adv. Sujit Lahoti. Adv. Tejasvi K. Sheth Adv. Aditya Amrut Joshi
6	Interim Application in RD 139 of 2019 Contempt Petition	N.A.	Bandra Family Court	Pending	Adv. Sujit Lahoti. Adv. Tejasvi K. Sheth Adv. Aditya Amrut Joshi
7	Crl. Rev. App./100 571/2024	499, 500, 501, 504, 505, 120B, 107, 34, 511 of the IPC	City Civil Session Court, Mumbai	Pending	Adv. Sanjay Ambedkar & Ors.
8	Crl. Appeal No. 198 of 2023	341 of the IPC	City Civil and Session Court, Dindoshi	Pending	Adv. Rita Rajani
9	Crl. MA/243/2024	473, 349 & 195 CrPC	Hon'ble Session Court at Dindoshi	Pending	Adv. Rita Rajani

Having considered the submission and the list of advocates being targeted, we direct that all such proceedings noted above before the respective forums/courts shall remain stayed.”

32. In the meanwhile, the appellant-wife filed an Interlocutory Application being I.A. No. 59588 of 2025 with the following prayers:

“(a) grant an absolute and unconditional stay on all ongoing and future proceedings related to the marital dispute, maintenance, custody, and financial matters between the parties, including those filed by the Respondent and/or the Respondent's family members or entities under their control, and transfer the same to this Hon'ble Court for uniform adjudication;
(b) stay all further proceedings in the matter No.CC/Misc. Cases/1505 of 2023 pending before the Ld. Metropolitan Magistrate, 64th Court, Esplanade Mumbai qua the Petitioner;
(c) stay all further proceedings in the matter No. SCC/497/2017 pending before the Ld. Judicial Magistrate (First Class), Palghar, Maharashtra;
(d) Pass such further and other orders as are necessary in the interest of justice.”

33. The aforesaid I.A. along with the main matter, was taken up by this Court on 25th March, 2025, wherein it was noted that the respondent-husband had deposited a sum of Rs. 5 Lakhs in the account of the elder son and handed over a bank draft of Rs. 10 Lakhs towards arrears of maintenance. It also was noted that balance maintenance amount of approximately Rs. 30 Lakhs remained outstanding, which the respondent-husband undertook to pay within four weeks. This Court again directed the

respondent-husband to file an affidavit of income and assets and also directed the appellant-wife to file an updated affidavit containing her latest income and assets details. Considering the possibility of a final settlement and the request for a decree of divorce made by both parties under Article 142 of the Constitution of India, this Court allowed I.A. No. 59588 of 2025, thereby staying all ongoing and future proceedings related to the marital dispute, custody, and financial matters between the parties. To ensure equity, this Court also directed that proceedings initiated by the appellant-wife be kept in abeyance.

34. It is pertinent to note that during the pendency of the present proceedings, the respondent-husband, appearing in person, instituted Writ Petition (Civil) No. 240 of 2025 before this Court under Article 32 of the Constitution of India. In the said writ petition, the respondent-husband alleged a violation of his fundamental rights and sought wide-ranging reliefs in connection with the ongoing matrimonial dispute. In substance, the respondent-husband sought to invoke the writ jurisdiction of this Court to assail and interdict the ongoing proceedings and orders arising out of the disputes between the parties. He contended

that the appellant-wife had practiced fraud and made false statements before the Courts below, which, according to him, had resulted in grave prejudice, including the denial of anticipatory bail and infringement of his personal liberty.

35. The aforesaid writ petition was taken up for hearing by this Court on 22nd April, 2025. Upon perusing the nature of the allegations and the reliefs claimed, this Court held that the petition was not maintainable under Article 32 of the Constitution of India. Observing that the allegations and prayers made therein were frivolous and malicious, this Court declined the respondent-husband's request for permission to withdraw the petition simpliciter. Consequently, the Writ Petition was dismissed with costs of Rs. 5 Lakhs.

36. Subsequently, the respondent-husband preferred Miscellaneous Application No. 2161 of 2025 in the disposed of writ petition. By way of the said application, the respondent-husband has sought, *inter alia*, a waiver of the costs imposed, and the expunging of the adverse remarks contained in the order dated 22nd April, 2025.

37. The main matter was taken up on 10th November, 2025 and on that date the respondent-husband sought to withdraw his application (I.A. No. 13394 of 2025) seeking dissolution of marriage under Article 142 of the Constitution of India. Consequently, the said application was dismissed as withdrawn. The appellant-wife, who had earlier consented to the respondent-husband's Article 142 application, sought liberty to move an independent application on her own behalf for the dissolution of marriage. Furthermore, a chart was submitted by the appellant-wife indicating that an amount of Rs.10,80,100/- was still outstanding towards maintenance as of 15th November, 2025 which the respondent-husband was directed to verify or clear by the next date.

38. Subsequent to the order dated 10th November, 2025, the appellant-wife filed an Interlocutory Application²⁰ under article 142 of the Constitution of India with the following prayers:-

“**A.** Allow the present application thereby exercising the powers conferred by the Article 142(1) of the Constitution of India and pass a decree dissolving the marriage solemnized on 20.01.2010 between the Petitioner and the

²⁰ I.A. No. 308262 of 2025.

Respondent on the ground of irretrievable breakdown of marriage;

B. Direct the Respondent as well as his father Mr. KKK to take necessary steps to transfer the ownership in respect of the premises being Flat. No. F- 1501, situated at Octacrest Building, Lokhandwala complex, Kandivali (East), Mumbai in favour of the Petitioner/Applicant, and to bear all incidental charges, including stamp duty, registration fees, and any other related costs;

C. In the alternative to prayer (B) above, direct the Respondent to provide to the Petitioner/Applicant an alternate accommodation of the same square foot area and in the same locality as the matrimonial home and to bear all incidental charges, including stamp duty, registration fees, and any other related costs;

D. Direct the Respondent to deposit a sum of Rs. 5 crores each in fixed deposits in the names of the two minor children, Master PPP and Master QQQ, towards their educational expenses, with the interest thereon to be utilised by the Petitioner/Applicant for their education until they become financially independent, and with discretionary liberty to the Petitioner/Applicant to encash the fixed deposits solely for the purposes of children's higher education;

E. Direct the Respondent to clear the arrears in relation to educational expenses of both minor children, namely Master PPP and Master QQQ;

F. Direct the Respondent to bear and pay the present and future educational expenses of both minor children, namely Master PPP and Master QQQ, by depositing all school fees, charges and ancillary educational costs directly with the respective educational institutions, as and when due;

G. Direct the Respondent to forthwith and hereafter provide complete cooperation for all present and future documentation needs of both

minor children including but not limited to passports, identity documents, citizenship or immigration records, school documentation, affidavits, consents, signatures and any required appearances before the Passport Authority, Government departments or foreign consulates;

H. That all civil, criminal and miscellaneous proceedings filed by either party against the other including those Petitioner/Applicant, filed against the Respondent, the Petitioner/Applicant's family members and her lawyers in any court or forum in India, be quashed and/or treated as withdrawn for securing complete justice and finality to the dispute;

I. That all incidental interim application, cases or proceedings filed by the Respondent/any third parties against the Petitioner and/or her family members or relatives whether arising from, connected with or triggered by the matrimonial dispute be likewise quashed and/or treated as withdrawn;

J. Direct the concerned courts, tribunals and authorities to treat all such proceedings enumerated in Annexure A-6 as terminated, and clarify that no such proceeding shall be revived or challenged before any court or authority in future;

K. Pass a direction that any proceeding of any nature whatsoever, arising out of or relating to the matrimonial dispute between the parties or their family members, whether pending before any court, tribunal, authority or forum in India and whether presently known or unknown to either party, shall stand quashed;

L. Direct the Respondent to pay to the Petitioner/Applicant a sum of Rupees 1 crore towards litigation expenses incurred by the Petitioner/Applicant and her family members in defending the multiple litigations initiated by the

Respondent and his family members over the past 9 years;

M. Direct the Respondent and/or his family members to return to the Petitioner/Applicant her Stridhan as set out in Annexure A-9 hereto, that is in the custody of the Respondent and/or his family;

N. Direct the Respondent to pay to the Petitioner/Applicant any such sum towards permanent alimony and children's welfare as this Hon'ble Court deems fit in its discretion and the peculiar facts and circumstances of the present case;

O. Grant the Petitioner liberty to apply to this Hon'ble Court owing to change of circumstances in relation to the financial support and educational needs of the minor children;

P. Pass such other and further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

39. The respondent-husband filed a reply to the aforesaid I.A. wherein following counter prayers were made:-

A. The Hon'ble Court may be pleased to decide and pass appropriate Orders in all pending I.A.s of the Husband before this Hon'ble Court.

B. The Hon'ble Court may be pleased to remand back the matters to the trial courts with directions for time bound disposal of all matter/s between the parties within a period of 3 months, keeping all contention/s of the parties open before the trial Court.

C. Alternatively in exercise of A. 142 of the Constitution the Hon'ble Court may be pleased to:

i. Grant a decree of divorce to both the parties.

- ii.** Decide the custody of the children and relocate them to Mumbai, and hand them over to him with visitation rights to the mother.
- iii.** Direct the Petitioner Wife to vacate and handover the peaceful possession of the disputed flat to its rightful owners.
- iv.** Direct the Petitioner to provide refunds to the husband for her illegal gains and mesne profits as stated herein above.
- v.** Pass appropriate Orders in relation to the disputed locker.
- vi.** Direct the Wife to compensate the Husband to the tune of Rs. 20 Crores for the mental trauma and loss of reputation arising from her various false claims against him, including his resulting illegal detention and apprehension in CR No. 20/2017.
- vii.** Quash criminal complaint of 498-A and Domestic Violence against the Husband as well his family members and any and all other civil and criminal complaints pending before any Court of law or tribunal.
- viii.** To expunge the criminal records of the Husband and his family members and to mask their names in all publications, past or future and issue appropriate directions to the registry, search engines, legal portals and/or other such agencies and portal to save the privacy and 'right to be forgotten' of the parties.
- ix.** To dismiss all her any and all other claims, past, present or future against him.
- x.** To direct for initiation of appropriate action/proceeding/ punishment against the Petitioner in view of the Order of the Family Court dated 25.9.2019 giving a finding of perjury and in view of various other falsities.
- xi.** To NOT quash pending offences against public justice against the wife and her

associates, the same being out of jurisdiction/reach under A.142 of the Constitution.

D. Pass such further and other orders as are necessary in the interest of justice.”

40. In view of the aforesaid factual matrix, and considering that both parties have effectively sought dissolution of the marriage by invoking the extraordinary jurisdiction of this Court under Article 142 of the Constitution of India albeit on divergent grounds and claims regarding permanent alimony, custody of the children, property rights, and quashing of pending proceedings, we proceeded to hear the learned senior counsel appearing for the appellant-wife and the respondent-husband appearing in-person at length.

Submissions on behalf of the appellant-wife

41. Shri Amit Rawal, learned senior counsel appearing for the appellant-wife, vehemently urged that the marriage between the parties has irretrievably broken down and is dead for all practical purposes. He highlighted that the parties have been living separately since 9th October, 2016, *i.e.*, for a period of more than 9 years, and despite multiple

attempts at mediation, there are no prospects of reconciliation.

42. Learned senior counsel drew the Court's attention to the conduct of the respondent-husband, who is also a practicing advocate. It was urged that instead of discharging his moral and legal obligation to maintain his wife and minor children, the respondent-husband has misused his legal knowledge by filing over 80 legal proceedings against the appellant-wife, her family members, and even her legal counsels across various forums.

43. On the aspect of maintenance and financial conduct, Shri Rawal submitted that the respondent-husband has not only wilfully and contumaciously disobeyed the orders of the learned Family Court and the High Court regarding arrears but has also indulged in active concealment of his true financial status. The respondent-husband continues to remain in non-compliance of the order dated 22nd April, 2025 passed by this Court whereby his writ petition under Article 32 was dismissed with a cost of Rs.5 Lakhs which has still not been deposited. It was pointed out that the respondent-husband had been serving as a Director in several companies. However,

he conveniently resigned from the said positions with the sole intention to evade his financial obligations.

44. Highlighting the issue of welfare and specific needs of the minor children, learned senior counsel submitted that the younger son of the parties is a Canadian citizen, and the respondent-husband's cooperation is imperative for the renewal of his passport, which the respondent-husband has failed to provide. Furthermore, it was submitted that although the appellant-wife has been working in Kolkata to make ends meet, she is in the process of leaving her job to dedicate her full time and attention to the elder son, who would soon stand promoted to 10th standard. It was urged that this sacrifice by the mother for the child's future necessitates adequate and secure financial support from the father *i.e.*, the respondent herein.

45. Finally, the learned senior counsel urged that the litigation between the parties has become interlinked and oppressive, dragging in family members and even lawyers. Therefore, in order to ensure effective justice and to give a complete quietus to the dispute, he implored the Court to exercise its jurisdiction under Article 142 of the Constitution of

India to quash all pending and connected proceedings between the parties, dissolve the marriage, grant permanent alimony, and direct the transfer of the flat in possession of the appellant-wife to her name or in alternate, provide an accommodation of similar size and similar amenities to the satisfaction of the appellant-wife.

Submissions on behalf of the respondent-husband

46. *Per contra*, the respondent-husband, appearing in-person, vehemently and fervently opposed the submissions made on behalf of the appellant-wife. His principal grievance was directed against the multiple criminal cases instituted by the appellant-wife, specifically under the Protection of Women from Domestic Violence Act, 2005 and Section 498A of the Indian Penal Code, 1860. He submitted that despite the FIR containing mere bald allegations without substantive proof, his prayer for anticipatory bail was rejected, forcing him to undergo incarceration/custody for a few days. He described this experience as traumatic, causing him immense mental agony and irreparable loss of professional reputation.

47. On the issue of custody and visitation, the respondent-husband urged that the appellant-wife has unilaterally taken custody of the children and has systematically alienated them from him. He raised specific grievances regarding the relocation of the children and their schools having been changed without his knowledge or consent. He contended that the issues of custody and the children's welfare are of paramount consideration and asserted that they should not be deprived of the love, affection, and presence of their father in their lives. He claimed that the appellant-wife continuously interrupts and monitors even their telephonic conversations, thereby preventing any meaningful engagement.

48. The respondent-husband further submitted that the appellant-wife has suppressed material facts regarding her income. He averred that the appellant-wife is a highly qualified professional having substantial income, yet she has projected herself as destitute to fortify the unjust and inflated claim for maintenance. He contended that he has already paid a substantial sum of over Rs. 45 Lakhs to the appellant-wife and his inability to pay the exorbitant maintenance awarded was due to financial

constraints aggravated by the false and frivolous litigations instituted by the appellant-wife.

49. The respondent-husband also pressed that various allegations of falsehood and perjury have been raised by him in ancillary proceedings and submitted that action ought to be taken to the logical conclusion in respect thereof. He contended that proceedings relating to perjury are pending before different forums and ought not to be foreclosed/frustrated without adjudication.

50. On the aspect of providing accommodation to the appellant-wife and children, the respondent-husband submitted that the appellant-wife should be directed to vacate and hand over peaceful possession of the flat to the rightful owners, asserting that it is the self-acquired property of his father. He urged that the keys and possession of the disputed premises ought to be returned to his father as the appellant-wife has no legal right to retain possession thereof.

51. Upon a pertinent query raised by the Court, the respondent-husband admitted that the marriage has irretrievably broken down and that a decree of divorce would be appropriate, however, he vehemently opposed the grant of the consequential

sweeping reliefs sought by the appellant-wife under Article 142 of the Constitution of India. He contended that the disputes involve multiple pending proceedings and contested factual issues, and therefore ought not to be concluded by blanket directions, particularly when he has raised substantive counter-claims. He opposed the grant of any alimony or the flat/accommodation to the appellant-wife and instead pressed his counter-claim seeking compensation to the tune of Rs. 20 Crores for the mental trauma and illegal detention suffered by him.

Discussion

52. We have given our thoughtful consideration to the submissions advanced by the parties and the facts and circumstances prevailing on record.

53. It is manifestly clear from the facts narrated above that the parties have been embroiled in a long-drawn, bitter matrimonial strife, resulting into multiplicity of litigations instituted across various Courts and forums. We may also note that the respondent-husband has, at every stage, tried to multiply and complicate the proceedings by filing innumerable applications and complaints not only

against the appellant-wife and her relatives but also against her advocates. Most of these proceedings appear to be vindictive and vexatious. This clearly indicates a hostile, cantankerous and vindictive approach on part of the respondent-husband. The cantankerous conduct of the respondent-husband was taken note of by this Court in the order dated 25th February, 2025, as noted above²¹.

54. He has not restricted his litigious pursuits to the Courts alone but has even filed disciplinary proceedings against the lawyers representing the appellant-wife before the State Bar Council. The details of some of such cases/applications are set out in the order dated 25th February, 2025.

55. In light of this relentless, vindictive and oppressive conduct of the respondent-husband, which has been thoroughly exposed during the proceedings before this Court, we can quite foresee the reason for which the appellant-wife would have found it extremely difficult to continue her matrimonial relationship with the respondent-husband.

²¹ Para No. 31

56. In this background, there is no doubt in the mind of this Court that the marriage is dead for all practical purposes and this is a supremely fit case warranting exercise of jurisdiction under Article 142 of the Constitution of India, not only to annul the marriage between the parties but also to terminate all proceedings initiated and pending *inter se*, including those against the relatives and legal counsels, in order to do complete justice and provide a quietus to this decade-long dispute which has crossed all limits and has assumed the status of a matrimonial battle of Mahabharata.

57. The respondent-husband has tried to draw much water out of the fact that the appellant-wife has shifted the children to Calcutta without permission of the Court and has thereby, denied the respondent-husband of the visitation rights. We are of the view that no oblique motive can be imputed to the appellant-wife for such a step, as a mother's primary concern would definitely be the care, welfare, and secure upbringing of her children. The relocation, seen in the context of the intense hostility and multiple litigations in Mumbai, appears to be nothing else but a protective measure.

58. It is brought to our notice that one of the sons is a citizen of Canada. It goes without saying that maintenance, upbringing and the education of the son would require significant financial resources, especially considering today's high cost of living and education. Thus, even if the appellant-wife is highly educated and professionally qualified, that by itself cannot be a reason to absolve the respondent-husband from his matrimonial, paternal, moral and legal responsibility to provide for his wife and children.

59. The appellant-wife has taken a specific plea that the respondent-husband was earlier a Director in various companies connected to the family business and just in order to escape his financial liabilities towards maintenance, he resigned from these directorships and enrolled as a lawyer. We find force in the submission that the respondent-husband's claim of financial incapacity is nothing but a subterfuge to evade his legal and moral obligations.

60. The appellant-wife is currently occupying a flat which is allegedly owned by her father-in-law *i.e.*, the father of the respondent-husband. The value of the said flat is stated to be approximately Rs. 5 crores,

which is precisely the amount sought by the appellant-wife during the course of oral hearing so that she could secure suitable accommodation and maintain her sons. Though, the respondent-husband has denied having the financial capacity to pay such amount, but looking at the background from which the parties hail, we feel that the attempt of the respondent-husband to portray himself as lacking the financial resources to provide accommodation to his wife and sons is nothing but an artificial veil sought to be created to escape liability.

61. During the course of the hearing, the appellant-wife expressed her willingness to relocate to Mumbai if suitable accommodation or equivalent financial security is provided. Thus, for balancing the equities, and to ensure that the appellant-wife and the minor children are not left destitute upon vacating the current premises, we deem it appropriate to award a consolidated sum towards permanent alimony and child support.

Directions

62. Accordingly, in exercise of our jurisdiction under Article 142 of the Constitution of India, in

order to do complete justice, we hereby pass the following directions: -

- i. The marriage between the parties, *i.e.*, the appellant-wife and the respondent-husband shall stand dissolved.
- ii. All pending civil, criminal, and miscellaneous proceedings filed by either party against each other, and/or relatives including all FIRs, complaints, and other applications pending before any Court or forum, shall stand quashed/closed. Furthermore, all complaints filed by the respondent-husband before the Bar Council of Maharashtra and Goa, the Bar Council of India, or any criminal Court against any of the advocates representing the appellant-wife, as well as any proceedings against the relatives of the appellant-wife, before all forums and Courts (civil as well as criminal) shall also stand closed.
- iii. The appellant-wife shall be entitled to absolute custody of both the sons. However, the respondent-husband shall be entitled to visitation rights, which are fixed as below: -

- a. The respondent-husband shall have interaction and visitation rights with his sons on the second weekend of every month in the city where the children are residing/studying.
 - b. The respondent-husband shall be entitled to have temporary custody of both the sons for half of their summer and winter vacations as and when applicable.
- iv. The respondent-father shall extend full cooperation for any actions which may be required for the renewal/issuance of the Canadian passport of son Master QQQ. Failure to do so would entitle the appellant-wife to institute appropriate proceedings including those for contempt in this Court.
- v. The respondent-husband is directed to pay a consolidated sum of Rs. 5 Crores to the appellant-wife towards full and final settlement of all her claims, including permanent alimony, maintenance (past, present, and future), child support, and litigation expenses. This amount shall be paid by the respondent-husband within a period of one year from the date of this

judgment, either in a single transaction or in four equal quarterly instalments. It is clarified that the cost of Rs. 5 Lakhs imposed upon the respondent-husband, payable to the National Legal Services Authority (NALSA), while dismissing Writ Petition (Civil) No. 240 of 2025, shall stand included within and adjusted against the aforesaid amount of Rs. 5 Crores.

- vi. The appellant-wife shall furnish an undertaking before this Court, within two weeks from the date of this judgment stating that, upon receiving the complete amount of Rs. 5 Crores as directed above, she shall, within a period of two weeks thereafter, peacefully vacate and handover the possession of the flat owned by the respondent's father, which she is presently occupying in Mumbai.
- vii. The respondent-husband shall also furnish an undertaking before this Court, within a period of four weeks from the date of this judgment that, he will not file any further civil or criminal proceedings in any Court or forum against the appellant-wife, her relatives or her lawyers. Any

breach of the above direction shall be viewed seriously and may invite suitable action.

63. Decree be drawn accordingly.

64. The appeal is disposed of in the above terms.

65. Copy of this judgment shall be forwarded by the Registry of this Court to the Courts/Forums referred to in Para No. 31 of this judgment. Furthermore, in case any of the cases *inter se* between the parties are not mentioned in the said paragraph, in such situation, the parties shall be at liberty to present this judgment in the Court/Forum concerned which shall thereupon close the proceedings forthwith.

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

CONTEMPT PETITION(C) NO(S). 626-627 OF 2025 IN SLP(CIVIL) NO(S). 28311 OF 2024

CONTEMPT PETITION(C) NO(S). 657-658 OF 2025 IN SLP(CIVIL) NO(S). 28311 OF 2024

MISCELLANEOUS APPLICATION NO(S). 2161 OF 2025 IN WRIT PETITION(CIVIL) NO(S). 240 OF 2025

67. In view of the order passed in Civil Appeal @ SLP(Civil) No. 28311 of 2024, these contempt

petitions as well as the miscellaneous application stand disposed of.

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

.....**J.**
(VIKRAM NATH)

.....**J.**
(SANDEEP MEHTA)

NEW DELHI;
APRIL 07, 2026.