

**Vol -VI
Part-2**

FEBRUARY, 2011

IMPORTANT CASE LAWS & LECTURES

Compiled by

**Tamil Nadu State Judicial Academy
Chennai – 28**



INDEX

| SL.NO. | IMPORTANT CASE LAWS & LECTURES | PAGE NO. |
|--------|--|----------|
| 1 | Supreme Court - Civil Cases | 03 |
| 2 | Supreme Court - Criminal Cases | 11 |
| 3 | High Court - Civil Cases | 16 |
| 4 | High Court - Criminal Cases | 30 |
| 5 | Rights of Transgender People-Sensitising Officers to Provide Access to Justice by Hon'ble Thiru. Justice P.SATHASIVAM, Judge, Supreme Court of India | 34 |
| 6 | Judicial Accountability in Reference to Judgments Conduct and Ethics by Hon'ble Thiru. Justice P.SHANMUGAM, Former Madras High Court, Judge | 44 |



SUPREME COURT CITATIONS CIVIL CASES

(2010) 8 MLJ 726 (SC)

Sanjeeta Das
vs
Tapan Kumar Mohanty

Hindu – Marriage Act (25 of 1955), Section 13 – Dissolution of marriage – Filing of affidavit by husband offering life term maintenance – Grant of divorce only on any of the grounds under Section 13 – Consent of the parties irrelevant.

FACTS IN BRIEF:

Aggrieved by the order of the High Court in granting a decree of dissolution of marriage, accepting the affidavit filed by the husband offering maintenance to the wife and expenses to the marriage of their daughter in consideration of a decree of divorce, appeal was filed by the wife.

QUERY:

Whether a decree of divorce can be granted under Section 13 of the Hindu Marriage Act on the basis of consent of the parties?

Held:

The marriage between the respondent and the appellant was admittedly solemnized in accordance with the Hindu religious rites. A Hindu marriage can be dissolved only on any of the grounds plainly and clearly enumerated under Section 13 of the Hindu Marriage Act. The law does not permit the purchase of a decree of divorce for consideration, with or without the consent of the other side.

The affidavit referred to in the order is the one filed by the respondent and consideration of submission of counsel for the parties does not indicate that the appellant had given her consent for dissolution of her marriage with the respondent on payment of ₹.10,00,000.00 (Rupees ten lakhs only). Secondly, and more importantly, the consent of the parties is of no relevance in the matter. No Court can assume jurisdiction to dissolve a Hindu marriage simply on the basis of the consent of the parties de hors the grounds enumerated under Section 13 of the Act, unless of course the consenting parties proceed under Section 13-B of the Act.

