

V. K. Gupta

Vs

Smt. Nirmala Gupta

S.L.P. (Civil) No. 3861 of 1978

(V.R. Krishna Iyer, P.N. Shinghal JJ)

04.09.1979

JUDGMENT

Krishna Iyer, J. -

1a. This matrimonial litigation, where a husband (the petitioner) unsuccessfully tried to get a decree for divorce of his wife (the respondent) under Section 13(1)(b) of the Hindu Marriage Act, has landed in this Court as a petition for special leave to appeal. Customary accusations on both sides were made in the pleadings and evidence, but the High Court (both the Single Judge and the Division Bench) did not grant dissolution of marriage. When we heard counsel on both sides on a preliminary basis we impressed upon them the benign perspective which the Court must bring to bear upon a matrimonial cause. It is fundamental that reconciliation of a ruptured marriage is the first essay of the judge, aided by counsel in this noble adventure. The sanctity of marriage is, in essence, the foundation of civilisation and, therefore, court and counsel owe a duty to society to strain to the utmost to repair the snapped relations between the parties. This task becomes more insistent when an innocent off-spring of the wedding struggles in between the disputed parents. In the present case, there is a child, quite young, the marriage itself being young.

2. We have had the advantage of responsive counsel on both sides who shared the spirit of our suggestion, worked on the minds of their clients and healed a wounded situation into a healthy rapprochement. What is equally noteworthy is the circumstance that the parties themselves reacted sensitively and constructively. Naturally, there was initial resistance, mistrust, apprehension and, therefore, a string of conditions in arriving at a consensus between the parties. At the end of this conciliatory journey, it was possible to reach a happy destination resulting in the resolution of the conflict between the parties and eventual restoration of the conjugal home.

3. Today, counsel on both sides put in statements which we are recording in the proceedings. In substance, both husband and wife are basically agreed upon living together with the ardour and love of partners in life. The minor frictions which got distorted into disruption was really the wear and tear of wedded fabric. We are able to discern in the two statements a sincere wish to come together and enjoy the conjugal bliss which is their right. We further notice a concern on both sides for the little, lovely child whose future is largely moulded by the sweetness and survival of the wedlock.

4. At the end of brief submissions on both sides, the respondent (wife) agreed to go to her matrimonial home and live with her husband (the petitioner) right away. On our gentle persuasion, they moved from the Court to live together in the husband's home - the husband assuring the Court that he will live with and love his wife and the wife, in turn, agreeing to live in the family of the husband as a good daughter-in-law would do in a Hindu family. We are glad that the story has ended

happily.

5. We direct the husband and wife (petitioner and respondent) to live together in terms of their statements and, hopefully, never to separate until death do them part. As a preliminary experiment we have directed that the Court will wait for three months to know whether the marriage is back on its wheels to run smoothly. We have impressed on the spouses that an ideal marriage is one where

each sucked into each,

on the new stream rolls,

whatever rocks obstruct.

6. The special leave petition will stand adjourned to January 25, 1980, and counsel on both sides will report on Republic Day eve about the fortunes of the wedlock which by joint endeavour is apparently restored. Judicial monitoring is a salutary prophylactic.

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