

HINDU LAW – LANDMARK JUDGMENTS

● CONDITIONS OF MARRIAGE (VOID & VOIDABLE)

■ Yamunabai v. Anantrao (1988)

The Supreme Court held that in cases of bigamy, the second wife does not get the legal status of a wife because the second marriage is void in law.

■ Priya Bala v. Suresh Chandra (1971)

The Supreme Court held that for proving a second marriage, it must be established that the marriage was performed with proper ceremonies, and mere admission of marriage is not sufficient.

■ Sarla Mudgal v. Union of India (1995)

The Supreme Court held that conversion to another religion does not automatically dissolve the first marriage, and a second marriage during the subsistence of the first marriage is void and punishable.

■ Bhaurao v. State of Maharashtra (1965)

The Supreme Court held that a marriage is valid only when it is celebrated with proper ceremonies and in due form.

■ Seema v. Ashwani Kumar (2006)

The Supreme Court directed that registration of marriages should be made compulsory for all religions to ensure legal proof and prevent disputes.

■ Rathnamma v. Sujathamma (2020)

The Supreme Court held that mere registration of a marriage agreement is not sufficient to prove a valid marriage without proper ceremonies.

■ Bhaurao Shankar Lokhande v. State of Maharashtra (1965)

The Supreme Court held that proper solemnization of marriage with essential ceremonies is necessary to constitute a valid marriage and to establish the offence of bigamy.

- Lata Singh v. State of U.P (2006)

The Supreme Court held that inter-caste marriages are valid under the Hindu Marriage Act, provided the essential conditions of the Act are fulfilled.

● RESTITUTION OF CONJUGAL RIGHTS, JUDICIAL SEPARATION & DIVORCE

- Saroj Rani v. Sudarshan Kumar (1984)

The Supreme Court upheld the constitutional validity of Section 9 of the Hindu Marriage Act and held that restitution of conjugal rights is an inherent part of marriage, subject to the defence of reasonable excuse.

- Russel v. Russel (1897)

The court defined cruelty as conduct that causes danger to life, limb, or health, whether physical or mental, or creates a reasonable apprehension of such danger.

- Dastane v. Dastane (1975)

The Supreme Court held that cruelty includes conduct which creates a reasonable apprehension in the mind of one spouse that it is harmful or unsafe to live with the other spouse.

- Shobha Rani v. Madhukar Reddi (1988)

The Supreme Court held that demand for dowry amounts to cruelty under matrimonial law.

- Savitri Pandey v. Prem Chandra Pandey (2002)

The Supreme Court held that a party seeking divorce on the ground of desertion must prove that they are not taking advantage of their own wrong.

- **Amardeep Singh v. Harveen Kaur (2017)**

The Supreme Court held that the six-month waiting period under Section 13B(2) of the Hindu Marriage Act is directory and can be waived by the court in appropriate cases.

- **Digvijay Singh v. Pratap Kumari (1970)**

The Supreme Court explained that impotency refers to a physical or mental condition that makes consummation of marriage practically impossible.

- **R. Lakshmi Narayan v. Santhi (2001)**

The Supreme Court held that for declaring a person unfit for marriage due to mental disorder, it must be proved that the disorder is severe enough to prevent a normal married life.

- **Ravi Kumar v. Julmidevi (2010)**

The Supreme Court held that cruelty must be assessed based on the overall facts and circumstances, and even silence or lack of mutual respect may amount to cruelty.

- **Bipin Chandra v. Prabhavati (1957)**

The Supreme Court held that desertion requires both the fact of separation and the intention to desert for the statutory period.

- **Manish Goel v. Rohini Goel (2010)**

The Supreme Court held that irretrievable breakdown of marriage can be a ground for divorce only when exercised under Article 142 by the Supreme Court.

- **Hitachand Srinivas Mangalore v. Sunanda (2001)**

The Supreme Court held that a party is not entitled to divorce merely by proving grounds if they are themselves guilty of misconduct or immoral behaviour.

- **Manisha Tyagi v. Deepak Kumar (2010)**

The Supreme Court held that cruelty includes conduct that causes mental agony and makes it impossible for spouses to live together.

- Hitesh Bhatnagar v. Deepa Bhatnagar (2011)

The Supreme Court held that divorce by mutual consent can be granted only if statutory conditions are fulfilled, including the second motion and satisfaction of the court.

● MAINTENANCE

- Rajnesh v. Neha (2020)

The Supreme Court laid down detailed guidelines regarding maintenance, including disclosure of assets, adjustment of overlapping claims, time-bound disposal, and factors for determining maintenance such as income, status, needs, and standard of living.

- Abhilasha v. Prakash (2020)

The Supreme Court held that an unmarried Hindu daughter is entitled to claim maintenance from her father under Section 20(3) of the Hindu Adoptions and Maintenance Act, 1956, if she is unable to maintain herself.

- Manish Jain v. Akanksha Jain (2017)

The Supreme Court held that courts should exercise discretion carefully while granting interim maintenance and must consider the income of both parties.

● ADOPTION

- Basavarajappa v. Gurubasamma (2005)

The Supreme Court held that upon adoption, the child becomes a member of the adoptive family with the same rights as a natural-born child and becomes a coparcener.

- Gurudas v. Rasaranjan (2006)

The Supreme Court held that performance of Datta Homam is not mandatory for a valid adoption, and the actual giving and taking ceremony is sufficient.

● GUARDIANSHIP

Gita Hariharan v. RBI (1999)

The Supreme Court held that the term “after” in Section 6(a) means “in the absence of,” allowing the mother to act as a natural guardian during the father’s absence.

Mohini v. Veerendra Kumar (1977)

The Supreme Court held that the welfare of the child is the paramount consideration in custody matters.

30. Gaurav Nagpal v. Sumedha Nagpal, (2009) 1 SCC 42

The Supreme Court reiterated that the welfare of the child overrides the statutory rights of parents in custody disputes.

● JOINT FAMILY PROPERTY & COPARCENARY

- Radhama v. Muddu Krishna (2019)

The Supreme Court held that a Hindu’s undivided interest in joint family property can be disposed of by will under Section 30 of the Hindu Succession Act.

- Dodamaniyappa v. Muniswamy (2019)

The court held that property inherited by sons from their father becomes joint family property.

- Rukhmabai v. Laxminarayan (1960)

The Supreme Court held that a Hindu family is presumed to be joint unless proven otherwise.

- Sitabai v. Ram Chandra (1970)

The Supreme Court held that a joint family does not dissolve merely due to the death of the sole coparcener if there is a possibility of adding new members.

- Krishna Prasad v. CIT (1975)

The Supreme Court held that a joint Hindu family must consist of at least two members to be recognized.

- Makhan Singh v. Kulwant Singh (2007)

The Supreme Court held that the existence of a joint family does not automatically mean that the property is joint; the burden of proof lies on the person claiming it.

- Arunachalam v. Muruganatha (1953)

The Supreme Court held that self-acquired property of a father can be transferred without the consent of sons and does not automatically become ancestral property.

- Rani v. Santa (1971)

The Supreme Court held that legal necessity for alienation of joint family property must be genuine and not merely asserted.

- Balmukund v. Kamla Wati (1964)

The Supreme Court held that alienation of joint family property without legal necessity can be challenged by other coparceners.

- Vineeta Sharma v. Rakesh Sharma (2020)

The Supreme Court held that daughters acquire the status of coparceners by birth, irrespective of whether the father was alive at the time of the 2005 amendment, and they have the same rights and liabilities as sons.

- Bhagwat Sharan v. Purushottam (2020)

The Supreme Court held that the burden of proving the existence of a Hindu Undivided Family lies on the person who asserts it, and such a person must also prove that the property in question belongs to the joint family unless it is shown that it is derived from the nucleus of the joint family.

- Arshnoor Singh v. Harpal Kaur (2020)

The Supreme Court held that a Karta can alienate coparcenary property only for legal necessity or for the benefit of the estate, and the burden of proving such necessity lies on the alienee; if the alienee fails to discharge this burden, the sale can be set aside.