

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.....OF 2025
@SLP (CIVIL) NO.4769 OF 2025

PRANNAY SHARMA **...APPELLANT**
VERSUS
NEERJA SHARMA **...RESPONDENT**

ORDER

1. Leave granted.
2. The present appeal arises from the order of the High Court of Delhi dated 18th November 2024 in MAT.APP.(F.C.) 243/2024, whereby the High Court affirmed the order of the Family Court (South), Saket, New Delhi, dated 22nd April 2024. By that order, the Family Court had dismissed the appellant's application under Order XII Rule 6 of the Code of Civil Procedure, 1908¹.
3. The dispute before us arises from a matrimonial discord. The appellant is the husband, and the respondent is the wife. The appellant contends that

¹ CPC.

the marriage has irretrievably broken down. The material facts are as follows:

3.1. The parties were married on 4th December 2007.

3.2. A daughter was born to them on 30th November 2009. She is now nearly 16 years of age.

3.3. In April 2015, the respondent – wife left the matrimonial home along with the child and began residing separately.

3.4. In November 2015, the respondent – wife filed a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005. The Judicial Magistrate directed interim maintenance of Rs.9,000/- per month to be paid by the appellant – husband towards the daughter.

3.5. On 15th January 2018, the appellant – husband filed a petition under Section 13(1)(ia) and (ib) of the Hindu Marriage

Act, 1955, seeking divorce on grounds of cruelty and desertion.

3.6. In 2023, the respondent-wife filed complaints against the appellant-husband, alleging cruelty and dowry demands. Pursuant thereto, FIR No. 53 of 2023 was registered under Sections 498A, 323, 406 and 506 of the Indian Penal Code, 1860.

3.7. In September 2023, the appellant – husband filed an application under Order XII Rule 6 CPC, relying on the respondent-wife's admission in her written statement that the parties had been living separately since April 2015, and sought a decree of divorce on that basis.

3.8. The Family Court, by order dated 22nd April 2024, dismissed the application, holding that no clear admission of the appellant-husband's case had been made.

3.9. The appellant-husband's appeal before the High Court in MAT.APP.(F.C.) 243/2024 has been dismissed by the impugned order.

3.10. The High Court held that long separation by itself does not furnish a ground for divorce, and that neither the Family Court nor the High Court could dissolve the marriage on the ground of irretrievable breakdown, which is not a statutory ground.

3.11. Aggrieved thereby, the appellant-husband has approached this Court.

4. We have heard learned senior counsel for the appellant and learned counsel for the respondent and have carefully perused the record.
5. The appellant contends that the marriage has broken down over time and given that the parties have lived apart for nearly a decade, there is no real prospect of their resuming a matrimonial life together. He prays

for dissolution of marriage on the ground that there is no possibility of reconciliation.

6. The respondent seeks maintenance for herself and the daughter, submitting that the appellant, being gainfully employed with HDFC Ltd., is in a position to provide for them.
7. Having considered the matter, we are satisfied that this is a case of irretrievable breakdown of marriage. The parties have lived apart since 2015, with no attempt at reconciliation proving fruitful. Mediation efforts have failed, and both parties have pursued adversarial litigation over the years, including criminal proceedings. The relationship between them has reached a point where continuation of the legal bond serves no purpose. In such circumstances, compelling the parties to remain tied together in law, when in fact they have been separated for a decade, would amount to perpetuating an empty formality.
8. At the same time, this Court cannot ignore the responsibility of the appellant towards the respondent and their daughter, who is still a minor and pursuing her education. The financial security of the respondent and the child must be ensured in a manner that is fair, adequate, and final. Taking into

account the status of the parties, the age of the daughter, her future educational needs, and the circumstances of the wife, we are of the view that a lump sum of Rs.60,00,000/- (Rupees Sixty Lakhs only) would be a just and reasonable amount. During the hearing, this figure was suggested by the Court, and the appellant, who was present in Court, agreed to the same.

9. In light of the above, we deem this to be a fit case to dissolve the marriage solemnized on 4th December 2007. In exercise of our powers under Article 142 of the Constitution, we accordingly grant a decree of divorce.
10. The marriage shall stand dissolved subject to the condition that the appellant pays a sum of Rs.60,00,000/- (Rupees Sixty Lakhs only) to the respondent, in full and final settlement of all claims, including permanent alimony and maintenance for both the respondent and the daughter. The Registry shall draw up the decree upon being satisfied of proof of such payment.
11. The amount shall be paid in four quarterly instalments of Rs.15,00,000/- (Rupees Fifteen Lakhs only) each, as follows:

- (i) First instalment on or before 30th November 2025;
- (ii) Second instalment on or before 28th February 2026;
- (iii) Third instalment on or before 31st May 2026; and
- (iv) Fourth and final instalment on or before 31st August 2026.

12. Accordingly, the appeal is allowed. The impugned order of the High Court is set aside.

13. Pending applications, if any, stand disposed of.

.....J.

[VIKRAM NATH]

.....J.

[SANDEEP MEHTA]

NEW DELHI;

SEPTEMBER 01, 2025