

**(2025) 12 SC CK 0035**

**Supreme Court**

**Case No:** Civil Appeal No(S). 14856 Of 2024

Sonia Virk

APPELLANT

Vs

Rohit Vats

RESPONDENT

**Date of Decision:** Dec. 5, 2025

**Acts Referred:**

- Hindu Marriage Act, 1955- Section 13(1)(ia)

**Hon'ble Judges:** Vikram Nath, J; Sandeep Mehta, J

**Bench:** Division Bench

**Advocate:** Amrendra Kumar Mehta, Pallavi Daem, Yash Singhal, Gunjan Kumari, Sidharth Luthra, Anmol Kheta, Ankur Saigal, Tanya Srivastava, Anushree Kapooria

**Final Decision:** Disposed Of

### **Judgement**

Vikram Nath, J

1. The present appeal arises from the judgment dated 28th August 2024 passed by the High Court of Punjab and Haryana at Chandigarh in FAO-3803-2023 (O&M), whereby the High Court set aside the judgment dated 11th April 2023 of the Family Court, granted a decree of divorce, and awarded a sum of Rs.30,00,000/- (Rupees Thirty Lakhs only) as permanent alimony to the appellant-wife.

2. The brief facts giving rise to the present proceedings are as follows:

2.1. The marriage between the appellant-wife and respondent-husband was solemnised on 6th December 2008 in accordance with Hindu rites and ceremonies. At the time, the respondent-husband was undergoing training as a judicial officer at the Judicial Academy, Chandigarh, and the appellant-wife was practising as an Additional Advocate General.

2.2. Presently, the respondent-husband is posted as a Family Court Judge at Jamnagar, Haryana, and the appellant-wife is no longer practising as an advocate.

2.3. A daughter was born to the parties on 13th November 2009.

2.4. On 27th November 2018, the respondent-husband instituted a petition for divorce under Section 13(1)(ia) of the Hindu Marriage Act, 1955 "HMA", on the ground of cruelty. The petition was withdrawn on 4th January 2019 with liberty to file a fresh petition on the same cause of action.

2.5. On 8th March 2019, the respondent-husband filed a second petition on the same ground, which was returned for want of jurisdiction. Thereafter, on 5th October 2019, the

respondent-husband instituted the present divorce petition before the Competent Court at SAS Nagar, Mohali.

2.6. Upon considering the pleadings and evidence, the Family Court, by order dated 11th April 2023, dismissed the petition holding that the allegation of cruelty was not proved and, in fact, it was the respondent-husband who had subjected the appellant-wife to acts of cruelty.

2.7. Aggrieved thereby, the respondent-husband preferred an appeal before the High Court.

2.8. The High Court, by the impugned judgment, allowed the appeal and granted a decree of divorce. It observed that it would not be in the interest of either spouse or their daughter to compel the parties to reside together. Based on the offer made by the respondent-husband, the High Court awarded Rs.30,00,000/- (Rupees Thirty Lakhs only) as permanent alimony to the appellant-wife. It further directed that on maturity of the LIC policy purchased by the respondent-husband, the amount of Rs.41,00,000/- (Rupees Forty One Lakhs only) shall be deposited in the account of the daughter; that a sum of Rs.30,000/- (Rupees Thirty Thousand only) per month shall be deposited by the respondent-husband in his daughter's account until she is able to maintain herself; that he shall bear all expenses towards her marriage; and that he shall not disinherit her from his estate.

2.9. Aggrieved, the appellant-wife has approached this Court.

3. We have heard learned senior counsel for the parties and carefully perused the material on record.

4. Regarding the challenge to the decree of divorce, we find that though the appellant-wife opposes the dissolution of marriage, it is in the best interest of both parties that they live apart. It is an admitted fact that the parties have been residing separately since 2012 which is more than thirteen years now, and no substantial or meaningful effort has been made in restoring their matrimonial relationship.

5. The High Court noted that every endeavour was made to explore the possibility of reconciliation or, alternatively, an amicable separation; however, given the conduct and attitude of both parties, no viable solution could be reached. The High Court also interacted with the parties in person and found the marriage to have broken down irretrievably.

6. Pursuant to our directions, both parties were present before this Court as well. From their submissions and the material placed on record, it is evident that the relationship has become deeply embittered and acrimonious over the years. They have a seventeen-year-old daughter whose wellbeing, care, and future stability must remain paramount.

7. In these circumstances, we see no purpose in perpetuating a legal bond that has long ceased to have any substance. Continuing the marital tie would serve neither the spouses nor their child; rather, it would only prolong hostility and impede their ability to move forward with dignity. We therefore affirm the view that the marriage has broken down beyond repair, and that dissolution is in the interest of justice and in the welfare of all concerned.

8. We now turn to the question of permanent alimony. The respondent-husband is a serving judicial officer holding a responsible public position and is, therefore, under a heightened obligation to ensure fair, adequate, and dignified financial security for his wife and daughter. The appellant-wife, who is presently not engaged in legal practice, is entitled to maintain a standard of living broadly commensurate with what she enjoyed during the subsistence of the marriage. The child, now seventeen years of age and soon to pursue higher education, will also require continued financial support and stability.

9. Having regard to the income, status, and future prospects of the respondent-husband, and to ensure that the appellant-wife is placed in a position of reasonable financial independence, we are of the considered view that the amount of permanent alimony awarded by the High Court requires enhancement. Accordingly, the sum of Rs.30,00,000/- (Rupees Thirty Lakhs only) awarded by the High Court is enhanced to Rs.50,00,000/- (Rupees Fifty Lakhs only) , which shall be paid by the

respondent-husband to the appellant-wife within a period of three months from the date of this judgment.

10. The remaining directions issued by the High Court, namely:

- (i) deposit of the entire amount received on maturity of the LIC policy, approximately Rs.41,00,000/- (Rupees Forty One Lakhs only) in the daughter's account,
- (ii) monthly deposit of Rs.30,000/- (Rupees Thirty Thousand only) until she is able to maintain herself,
- (iii) bearing all expenses towards her marriage, and
- (iv) the prohibition against disinheriting the daughter are upheld and shall continue to operate.

11. The amount of Rs.50,00,000/- (Rupees Fifty Lakhs only) awarded herein as permanent alimony shall be treated as full and final settlement of all monetary and other claims arising out of the marital relationship between the parties. All pending proceedings, whether civil or criminal, instituted by either party against the other and arising from the marriage shall stand closed in terms of this settlement.

12. The appellant-wife shall furnish the requisite bank details to the respondent-husband to facilitate compliance with the above directions.

13. In view of the above, the present appeal stands disposed of. The decree of divorce granted by the High Court is upheld, and the direction relating to permanent alimony stands modified in terms of this judgment.

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