

T. Srinivasan vs T. Varalakshmi (Mrs) on 22 January, 1998

Equivalent citations: AIR1999SC595, 1998(1)CTC629, JT1998(4)SC312, (1998)IIMLJ123(SC), (1998)3SCC112

Bench: M.M. Punchhi, K.T. Thomas, M. Srinivasan

JUDGMENT

1. The finding recorded by the courts below is that the husband obtained a decree for restitution of conjugal rights not to act in obedience thereof but, on the other hand, to keep the wife deprived of her right to perform her conjugal duties. The wife made a demand of the husband to let her join him but he refused to allow her enter the house, rather he drove her away as also her relatives, whoever attempted to rehabilitate the wife. These acts of the husband were positive wrongs amounting to "misconduct", uncondonable for the purposes of Section 23(1)(a) of the Hindu Marriage Act, 1955. Hence, he was rightly denied relief under Section 13(1-A) of the said Act. The appeals, therefore, fail and are hereby dismissed.

2. It is stated by learned counsel for the respondent that a sum of Rs. 3000 lies deposited with the Registry towards costs of these appeals. Learned counsel says that the same be remitted to the wife-respondent directly by the Registry. It is so ordered.