



2026:DHC:131-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Judgment reserved on: 15.12.2025
Judgment pronounced on: 09.01.2026

+ MAT.APP.(F.C.) 328/2024

SIDDHARTH MAAN

.....Appellant

Through: Mr. Kshitiz Gaur and Mr.
Shahid, Advocates.

versus

SEEMA

.....Respondent

Through: Mr. Manish Sangwan, Mr.
Vedant Srivastava and Ms.
Tanya Gupta, Advocates.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

J U D G M E N T

HARISH VAIDYANATHAN SHANKAR, J.

1. The present Appeal, under Section 19 of the **Family Courts Act, 1984**¹, read with Section 28 of the **Hindu Marriage Act, 1955**², assails the correctness of the **Judgement dated 09.09.2024**³ passed by the learned **Family Court, South-West, Dwarka, New Delhi**⁴, in petition bearing **HMA No. 761/2023**⁵.

¹ FC Act

² HMA

³ Impugned Judgement

⁴ Family Court

⁵ Divorce petition



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2. By way of the Judgement impugned herein, the learned Family Court has allowed the Petition filed by the Respondent-Wife and, having found cruelty proved under Section 13(1)(ia) of the HMA, granted a decree of divorce in her favour, thereby dissolving the marriage between the parties.

BRIEF FACTS:

3. The facts germane to the institution of the present Appeal are as follows:

a. The marriage between the Appellant-Husband and Respondent-Wife was solemnized on 03.12.2014 at Village Chhawla, New Delhi, in accordance with Hindu rites and ceremonies. No child was born out of the said wedlock.

b. It was the case of the Respondent-Wife that shortly after the marriage, the Appellant-Husband and her mother-in-law consistently demanded dowry, and upon failing to deliver on their demands, they subjected the Respondent-Wife to cruelty. The Respondent-Wife alleges that as per the demand of the parents of the Appellant-Husband, her family already paid an amount of Rs. 4,00,000/- in cash to them, for purchasing a Swift Car.

c. The Respondent-Wife further alleged that since the third day of marriage, the Appellant-Husband and his mother started demanding a Fortuner Car and Rs. 25,00,000/- as dowry. On failing to deliver the same, Respondent-Wife alleges that multiple instances of cruelty and demands for dowry followed.

d. It was further alleged by the Respondent-Wife that on 06.12.2014, the Appellant-Husband twisted the arm of the



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Respondent-Wife on the pretext that she did not know how to clean utensils. Further, upon complaining of the same to her mother-in-law, the Respondent-Wife was further subjected to physical violence by the mother-in-law and other members of the family stating that since the Respondent-Wife has failed to get a Fortuner Car and cash, she is not entitled to stay in the house and further threatened her that owing to her failure to bring the alleged dowry, they would all wring her neck.

e. Respondent-Wife further alleged that on 24.12.2014, the Appellant and his family members locked her in a room for the entire night without food or water as punishment for not bringing the demanded dowry of a Fortuner car and Rs. 25,00,000/-.

f. According to the Respondent-Wife, the Appellant-Husband was a habitual drinker and would often abuse and beat the Respondent-Wife under the influence of alcohol. He also refused cohabitation with her from 24.01.2015 onwards until she fulfilled their demand for dowry.

g. Further, on 24.04.2015, the Respondent-Wife alleged that she was woken up by the Appellant-Husband and his family members at about 12:00 AM. She was again asked for dowry, and when the Respondent-Wife expressed her inability to deliver the same, she alleges that she was beaten up by the Appellant-Husband and her in-laws. She suffered serious injuries and was bleeding from her mouth and nose. The family of the Appellant-Husband did not take her to the doctor, and she had to treat herself.



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h. Various other events transpired wherein it is stated by the Respondent-Wife that the Appellant-Husband and his family physically and verbally abused not only her but her family and relatives as well.

i. The Respondent-Wife further stated that on 28.06.2015, at about 2:45 AM, the Appellant-Husband came back home in a highly intoxicated state and started beating her for not being able to get the Fortuner Car and the cash, despite 6 months having passed. The Respondent-Wife, thereafter, called the police and the Appellant-Husband was taken to the **Police Station**⁶, Mehrauli, Delhi. The Appellant-Husband started apologising, and in hopes that the Appellant-Husband would reform himself, the Respondent-Wife withdrew the complaint.

j. Thereafter, it was alleged by the Respondent-Wife that on the very next day, i.e. on 29.06.2015, the Appellant-Husband and his mother tried to strangle her with a rope. Eventually, FIR No. 1746/2015 was registered against the Appellant-Husband and his mother at P.S. Mehrauli, Delhi, under Section 307/34 of the **Indian Penal Code, 1860**⁷. The Appellant-Husband was arrested and was subsequently released on regular bail in or around August 2015. It is stated by the Respondent-Wife that the parties have been residing separately since then.

k. It is further stated by the Respondent-Wife that various efforts were made by her and her family to amicably settle the matter, however, the same failed, and ultimately the Respondent-Wife lodged a complaint before the A.C.P., Women Cell,

⁶ PS
⁷ IPC



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Dwarka on 14.07.2015 and thereafter before the **Crime Against Women Cell, Dwarka, Delhi**⁸, which thereafter got converted into FIR No. 207/2016 under Sections 498A, 406, 323, 34 of the IPC at P.S. Mehrauli, Delhi.

l. The Appellant-Husband, on the other hand, alleged that there was peaceful cohabitation between the parties until 29.06.2015, and the Appellant-Husband and his mother used to treat the Respondent-Wife with utmost love and respect. That on 29.06.2015, due to temperamental differences with the Appellant and his mother, the Respondent lodged an FIR at P.S. Mehrauli.

m. The Appellant-Husband further stated that he had suffered severe prejudice due to the criminal cases filed by the Respondent-Wife, including loss of employment as he was incarcerated for more than a month, and that his inability to secure future employment was aggravated due to adverse entries in his character certificate and that the Appellant and his mother are being falsely implicated in criminal cases after procuring a false Medico-Legal Certificate (MLC). He contended that these proceedings were initiated only because the Appellant-Husband and his family refused to submit to the Respondent-Wife's demands.

n. The Appellant-Husband further contended that no dowry was demanded, whether before or after the marriage and those the allegations were false, exaggerated, and deliberately made to initiate criminal proceedings and that the Respondent-Wife left the matrimonial home of her own volition, neither he nor his

⁸ CAW Cell



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family members ever demanded a Fortuner car or ₹25,00,000/- in cash from the Respondent-Wife or her family.

o. The Respondent-Wife finally preferred a petition for dissolution of marriage under Section 13(1)(ia) and (ib) of the HMA on grounds of mental and physical cruelty and desertion on 03.03.2023.

p. Notice in the aforementioned Divorce Petition was issued on 15.03.2023, and the learned Family Court framed issues *vide* Order dated 04.09.2023. The Respondent-Wife tendered her evidence by way of affidavit on 30.11.2023, and the evidence affidavit of the Appellant-Husband was filed on 19.04.2024.

q. The Respondent-Wife was cross-examined by the learned counsel representing the Appellant before the learned Family Court on 01.03.2024, while the Appellant-Husband was cross-examined on 19.04.2024.

r. Thereafter, the Divorce Petition was effectively listed for final arguments on 02.08.2024, 28.08.2024 and 03.09.2024 and the learned Family Court passed the Judgement impugned herein on 09.09.2024, thereby allowing the Divorce Petition on the ground of physical and mental cruelty and granting a decree of divorce in favour of the Respondent-Wife, thereby dissolving the marriage between the parties.

4. Aggrieved by the Judgement impugned passed by the learned Family Court, the Appellant-Husband has preferred the present Appeal before us.



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CONTENTIONS OF THE APPELLANT:

5. The learned counsel for Appellant would primarily challenge the Impugned Judgement on the ground that the learned Family Court has erred in allowing the Divorce Petition of the Respondent-Wife without there being any evidence led by her to prove that she was subjected to cruelty.

6. He would further state that the learned Family Court has, merely relying upon the bald statements made by the Respondent-Wife and on assumptions and presumptions, erroneously passed the impugned Judgement. He would state that although the Respondent-Wife claims to have been harassed on account of dowry, as also being assaulted, the same is not corroborated or proved by evidence.

7. It would also be urged by the learned counsel for the Appellant-Husband that the Appellant herein was not granted an equal and significant opportunity to place final arguments either orally or through written submissions before the learned Family Court.

8. Lastly, learned counsel for the Appellant would argue that the learned Family Court has erred in holding that the Appellant-Husband had inflicted cruelty upon the Respondent-Wife. He would argue that while the term “cruelty” as used in Section 13(1)(ia) of the HMA cannot be defined in given parameters, there cannot be a comprehensive definition of “cruelty” within which all kinds of cases of cruelty can be covered, and each case has to be considered depending upon its own factual circumstances.

CONTENTIONS OF THE RESPONDENT:

9. **Per Contra,** learned counsel for the Respondent, while supporting the Impugned Judgement, would state that the present



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Appeal is merely an attempt to invite a re-appreciation of the evidence which was meticulously considered by the learned Family Court in the impugned Judgment, and that no perversity, misreading of evidence or failure to consider material on record has been demonstrated in the appeal so as to warrant interference with the well-reasoned decree of divorce granted in favour of the Respondent-Wife.

10. Learned counsel for the Respondent would further state that the argument of the Appellant that the statements made by the Respondent before the learned Family Court were ‘bald’ and ‘baseless’ stands vitiated on the ground that the same were never challenged in the cross-examination of the Respondent and that the learned Family Court has rightly observed in the Judgement impugned that no suggestions were put to the Respondent in denial of her detailed version of dowry demands, physical assaults, degradation and attempts on her life.

11. It would further be submitted that the law is settled that where a party fails to challenge a material part of the opponent’s testimony in cross-examination, such unchallenged testimony is deemed to have been accepted, and the learned Family Court has correctly relied upon this principle in the impugned Judgment that the Respondent-Wife’s evidence stood admitted by the Appellant herein.

12. Thereafter, on the ground of not being accorded equal and fair opportunity to argue, learned counsel for the Respondent would contend that the same are baseless and misconceived. It would be contended that the learned counsel for the Appellant, along with the Appellant, was present on all three dates on which the final arguments were heard before the learned Family Court. It would therefore be



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contended that the plea of violation of natural justice is an afterthought raised only at the appellate stage and deserves outright rejection.

13. It would lastly be argued by the learned counsel for the Respondent that the Appellant, although having made allegations that the Respondent has falsely implicated him and his family in various litigations and cases, has failed to prove the same and has not placed on record even a shred of evidence.

ANALYSIS:

14. We have carefully considered the submissions advanced on behalf of both parties, examined the evidence adduced before the learned Family Court, and meticulously scrutinized the entire record of the case.

15. In the Impugned Judgment, the learned Family Court framed two principal issues for determination, namely:

- a. Whether the Appellant-Husband, after solemnization of the marriage, has treated the Respondent-Wife with cruelty; and
- b. Whether the Respondent-Wife is entitled for decree of divorce as claimed?

16. Upon a detailed consideration of the pleadings and evidence placed on record, the learned Family Court answered the issue pertaining to cruelty under Section 13(1)(ia) of the HMA in the affirmative and came to the conclusion that the Appellant-Husband had subjected the Respondent-Wife to cruelty. Consequently, the learned Family Court proceeded to grant a decree of divorce on the ground of cruelty.



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17. The primary challenge raised by the learned counsel for the Appellant, while impugning the Judgement of the learned Family Court, was that the learned Family Court had erred in merely relying upon the statements of the Respondent-Wife and failed to consider that no proof of such cruelties had been placed on record.

18. We find ourselves in disagreement with the Appellant and find no infirmity in the findings of the learned Family Court, as a perusal of the record, more specifically the cross-examination of the Respondent-Wife, which was done by the learned counsel for the Appellant, wherein not even a single suggestion was put to the Respondent-Wife in denial of her deposition on material facts and therefore, the learned Family Court has rightly held that the deposition of the Respondent-Wife remained unchallenged and uncontroverted.

19. What is surprising to this Court is that, on a pointed query to the learned counsel for the Appellant-Husband as to why no suggestions were put to Respondent-Wife, the learned counsel for the Appellant stated that it was a deliberate and tactical decision. Clearly, this constitutes an admission on the part of the Appellant that they have deliberately eschewed their right to put across their case.

20. It is trite law that where a party fails to challenge a material part of the opponent's testimony in cross-examination, such unchallenged testimony is deemed to have been accepted. We are guided by the judgement of the Hon'ble Supreme Court in *Muddasani Venkata Narsaiah v. Muddasani Sarojana*⁹, wherein it was held as follows:

“16. In *Maroti Bansi Teli v. Radhabai* [*Maroti Bansi Teli v. Radhabai*, 1943 SCC OnLine MP 128 : AIR 1945 Nag 60] , it has been laid down that the matters sworn to by one party in the pleadings not challenged either in pleadings or cross-examination

⁹ (2016) 12 SCC 288



by other party must be accepted as fully established. The High Court of Calcutta in *A.E.G. Carapiet v. A.Y. Derderian* [*A.E.G. Carapiet v. A.Y. Derderian*, 1960 SCC OnLine Cal 44 : AIR 1961 Cal 359] has laid down that the party is obliged to put his case in cross-examination of witnesses of opposite party. The rule of putting one's version in cross-examination is one of essential justice and not merely technical one. A Division Bench of the Nagpur High Court in *Kuwarlal Amritlal v. Rekhlal Koduram* [*Kuwarlal Amritlal v. Rekhlal Koduram*, 1949 SCC OnLine MP 35 : AIR 1950 Nag 83] has laid down that when attestation is not specifically challenged and witness is not cross-examined regarding details of attestation, it is sufficient for him to say that the document was attested. If the other side wants to challenge that statement, it is their duty, quite apart from raising it in the pleadings, to cross-examine the witness along those lines. A Division Bench of the Patna High Court in *Karnidan Sarda v. Sailaja Kanta Mitra* [*Karnidan Sarda v. Sailaja Kanta Mitra*, 1940 SCC OnLine Pat 288 : AIR 1940 Pat 683] has laid down that it cannot be too strongly emphasised that the system of administration of justice allows of cross-examination of opposite party's witnesses for the purpose of testing their evidence, and it must be assumed that when the witnesses were not tested in that way, their evidence is to be ordinarily accepted. In the aforesaid circumstances, the High Court has gravely erred in law in reversing the findings of the first appellate court as to the factum of execution of the sale deed in favour of the plaintiff.”

21. We are also guided by the judgement of the Apex Court in *Mahavir Singh v. State of Haryana*¹⁰, wherein it was held that once a party fails to put a suggestion to the person who would be capable of furnishing an explanation, the legality or correctness of that fact thereafter cannot be then challenged. The relevant paragraph of *Mahavir Singh (supra)* is herein below:

“16. It is a settled legal proposition that in case the question is not put to the witness in cross-examination who could furnish explanation on a particular issue, the correctness or legality of the said fact/issue could not be raised. (Vide *Atluri Brahmanandam v. Anne Sai Bapuji* [(2010) 14 SCC 466 : (2012) 1 SCC (Civ) 644 : AIR 2011 SC 545] and *Laxmibai v. Bhagwantbuva* [(2013) 4 SCC 97 : (2013) 2 SCC (Civ) 480 : AIR 2013 SC 1204] .)”

¹⁰ (2014) 6 SCC 716



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22. In view of the settled law, the unequivocal acceptance on behalf of the learned counsel for the Appellant and facts and circumstances of the present case, we find ourselves in complete agreement with the finding of the learned Family Court that no suggestion was put to the Respondent-Wife and the tactical error or the informed decision of not doing so, having culminated into the impugned Judgement, cannot be now challenged by the Appellant.

23. Further, the learned counsel for the Appellant has questioned the correctness of the Impugned Judgment on the ground of violation of Principles of Natural Justice, however, we find ourselves in complete agreement with the learned counsel for the Respondent that the Order sheets of the learned Family Court would clearly indicate that not only the learned counsel but the Appellant himself was present before the learned Family Court on all the three dates on which the matter was kept for final hearing. Therefore, we find no merit in the ground raised by the Appellant that the learned Family Court has passed the Judgement impugned in violation of Principles of Natural Justice.

24. Coming on to the aspect of “cruelty”, this Court is mindful of the numerous precedents wherein the Hon’ble Supreme Court has succinctly crystallised the law as respects cruelty in matrimonial relationships.

25. In *Ravi Kumar v. Julmidevi*¹¹, the Apex Court emphasized that cruelty cannot be precisely defined and must be judged according to the facts and circumstances of each case. It encompasses the absence of mutual respect and understanding, may manifest as violence,

¹¹ (2010) 4 SCC 476.



neglect, attitudes, gestures, words, or even silence, and the categories of cruelty are never closed. The nature of cruelty may be subtle or severe, and judicial assessment must consider the cumulative effect of conduct on the marital relationship. The relevant paragraphs of the said judgment are reproduced herein below:

“19. It may be true that there is no definition of cruelty under the said Act. Actually such a definition is not possible. In matrimonial relationship, cruelty would obviously mean absence of mutual respect and understanding between the spouses which embitters the relationship and often leads to various outbursts of behaviour which can be termed as cruelty. Sometimes cruelty in a matrimonial relationship may take the form of violence, sometimes it may take a different form. At times, it may be just an attitude or an approach. Silence in some situations may amount to cruelty.

20. Therefore, cruelty in matrimonial behaviour defies any definition and its categories can never be closed. Whether the husband is cruel to his wife or the wife is cruel to her husband has to be ascertained and judged by taking into account the entire facts and circumstances of the given case and not by any predetermined rigid formula. Cruelty in matrimonial cases can be of infinite variety—it may be subtle or even brutal and may be by gestures and words. That possibly explains why Lord Denning in *Sheldon v. Sheldon* [*Sheldon v. Sheldon*, 1966 P 62: (1966) 2 WLR 993 (CA)] held that categories of cruelty in matrimonial cases are never closed.”

(emphasis supplied)

26. Further, in *Roopa Soni v. Kamalnarayan Soni*¹², the Hon’ble Supreme Court held that “cruelty” under Section 13(1)(ia) of the HMA, has no fixed meaning, granting wide discretion to courts to apply the concept liberally and contextually. What constitutes cruelty in one case may not in another, and it must be assessed with reference to the individual circumstances of the parties and the totality of their matrimonial life. The relevant portion of the judgment is reproduced herein below:

¹² 2023 SCC OnLine SC 1127.



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“ 5. The word “cruelty” u/s 13(1)(ia) of the 1955 Act has got no fixed meaning, and therefore, gives a very wide discretion to the Court to apply it liberally and contextually. What is cruelty in one case may not be the same for another. As stated, it has to be applied from person to person while taking note of the attending circumstances.”

(emphasis supplied)

27. Having regard to the judgements referred to above, and having carefully scrutinized the impugned Judgement, we find no infirmity in the legal principles applied by the learned Family Court and the findings arrived at thereupon.

28. We also note that, having taken the ground that the Respondent has not placed on record any evidence to prove cruelty, the Appellant himself has also not placed on record single evidence to support his contention of false implications in various criminal proceedings. It is, however, to be noted that the Respondent’s allegations of physical and mental assault are supported by the contemporaneous step of approaching the police on 29.06.2015, leading to registration of FIR bearing No. 1746/2015 u/s 307, 34 IPC, followed by a separate FIR No. 207/2016 u/s 498A, 406, 323, 34 IPC. This clearly indicates that it is the Appellant who has made “bald assertions” as against the Respondent and himself has failed to support his argument with any piece of evidence.

29. We also take note of the Order dated 09.10.2024 of this Court in this very Appeal, wherein the learned counsel for the Appellant has submitted before the Court that even though the Appellant has no objection to the divorce being granted to the respondent/wife, he is aggrieved by the findings recorded in the Impugned Judgement wherein, the learned Family Court has come to a conclusion that the Appellant-Husband and his mother had treated the Respondent-Wife



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with cruelty.

30. This Court records its displeasure in the manner in which the Appellant has preferred the present Appeal, only to “clear his image”, while himself having relinquished his opportunity to effectively cross-examine the Respondent and now challenging the correctness and legality of the Judgement passed by the learned Family Court.

CONCLUSION:

31. In light of the foregoing and having taken into consideration the settled principles of law and the facts and circumstances of the present matter, we find the Judgement passed by the learned Family Court is correct. The learned Family Court’s findings flow from a careful appraisal of the evidence on record and are consonant with settled judicial precedents.

32. For these reasons afore-stated, the decree of divorce granted by the learned Family Court vide the Impugned Judgment and Decree dated 09.09.2024 in HMA No. 761/2023 is affirmed. The Appeal is devoid of merit and is accordingly dismissed.

33. The present appeal, along with all pending application(s), if any, stands disposed of in the above terms.

34. No order as to costs.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.
JANUARY 09, 2026/va