

- Guilty of rape , sodomy or bestiality
- Maintenance under
 - CrPC - section 125
 - HAMA,1956 - section 18
 - No Cohabitation - one year upwards
- Marriage before the age of 15 years
 - Whether consummated or not
 - Repudiated before attaining the age of 18 years

Sl. No.	Landmark Judgments	Ratio decidendi / principle established
1.	<i>N.G. Dastana v. Mrs. S Dastana</i> , AIR 1975 SC 1534	Harm or injury to health, the reputation, the working career or the like are some considerations which are to be kept in view while determining the question of cruelty. Inflexible temperament, taking delight in causing injury to husband and relations, willfully suffering insults hurled by her relations at her parents, constant menace to peace and well-being of household, sitting by the side of the husband and nagging him, amount to cruelty on part of the wife.
2.	<i>Trimbak N Bhagwat v. Smt Kumudini T. Bhagwat</i> , AIR 1967 Bom 80	Defense of insanity is not available on that the offending spouse is not capable of knowing what he is doing if the conduct is held to be cruelty regardless of motive or intention to be cruel. Insanity should not bar the relief claimed by wife.

Section 13A provides for *alternate relief* in divorce proceeding:

Breakdown Theory - *Dharmendra Kumar v. Usha Kumar*, AIR 1977 SC 2218

It would not be very reasonable to think that the relief which is available to the spouse against whom a decree of restitution has been passed should be denied to the one who does not insist on compliance with the decree passed in his or her favour in order to be a wrong within section 33(1)(a). The conduct alleged has to be something more than a mere disinclination to agree to an offer of a reunion.

Section 13B provides for *Divorce by Mutual Consent* :

Ingredients

- Subject to HMA
- Both the parties together present petition for divorce
- Grounds
 - Living separately
 - One year and above
 - Not being able to live together
 - Mutually agree that the marriage should be dissolved
 - Motion - between six to eighteen months (Cooling Period)
- Requirements
 - Petition is not withdrawn
 - Court is satisfied
- Decree of divorce

Maintenance

- Section 18 of the Hindu Adoptions and Maintenance Act ,1956
 - Legally wedded wife
- Section 24/25 of the Hindu Marriage Act, 1955
 - It is like marital obligation
- Section 125 of the Criminal Procedure Code, 1973
 - It is like marital obligation

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