

Woman's involvement in cases of fraud cruelty to husband: HC

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An FIR against a wife is an act of cruelty to the husband, and he is entitled to divorce, ruled the Bombay high court.

"Looking at the social status of the parties, the enormity and magnitude of this act (FIR against wife) is such that it clearly constitutes cruelty," observed a division bench of Justices VK Tahilramani and VL Achliya, who dismissed an appeal filed by the wife against a family court order.

The family court had on January 19, 1993, granted the husband divorce on grounds of cruelty.

The couple got married on March 3, 1991, and had a son on June 1992. The husband, who sought divorce, alleged that the woman had a habit of lying and stealing money. She had forged other people's signatures and withdrew money from their bank accounts.

In May 2008, an FIR was

lodged against her by a colleague alleging debit card fraud. She allegedly stole the colleague's debit card and withdrew Rs37,000, stated the husband's counsels - Vivek Kantawala and Urvi Dave. She was arrested and was in custody for five days.

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— High court judges

Milan Desai and Sunil Dubey, counsels for the wife, opposed the allegations and sought setting aside the family court order.

However, the HC noted that records showed she had been arrested and was in custody for many days. "This shows wilful and unjustifiable conduct on part of the appellant

(wife) which has justifiably caused an apprehension in the mind of the husband regarding her mental wellness."

The judges said: "This incident by itself is of such a serious nature that it would make it impossible for the respondent (husband) to live with the appellant (wife) without mental agony, torture or distress. It is sufficient to entitle the respondent to secure divorce on the ground of cruelty."

Dismissal of her appeal, the judges said: "There has been no effort on the part of the appellant to change for the better. In fact, day by day her illegal activities have been getting more and more serious. The effect of the conduct of the appellant cannot be said to be ordinary wear and tear of married life. In fact, her conduct is so grave and weighty that the respondent cannot reasonably be expected to continue to live with her."