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## THE EVOLVING SCOPE OF MENTAL CRUELTY AS A GROUND FOR DIVORCE: A CRITICAL ANALYSIS OF *SONAL TALPADA V.*

*VEERBHAN SINGH (2026 INSC 620)*

*-Vani Jain*

### ABSTRACT

This case commentary examines the evolving concept of mental cruelty under Section 13(1)(ia) of the Hindu Marriage Act, 1955, in light of the Supreme Court's judgment in *Sonal Talpada v. Veerbhan Singh* (2026 INSC 620). The judgment highlights the significance of prolonged separation, lack of cohabitation, emotional alienation and the failure of spouses to rebuild their matrimonial relationship in determining mental cruelty. It also examines the Supreme Court's exercise of its powers under Article 142 of the Constitution to dissolve the marriage on the ground of irretrievable breakdown. The commentary analyses the relationship between mental cruelty and irretrievable breakdown of marriage, while critically evaluating the limits of judicial interpretation in matrimonial disputes. It argues that although a contextual understanding of mental cruelty is necessary to address the realities of marital relationships, prolonged separation should not automatically be treated as conclusive proof of cruelty. The judgment therefore raises important questions about the balance between individual matrimonial rights, judicial discretion and the need for a principled approach to divorce jurisprudence in India.

### INTRODUCTION

The idea of cruelty in matrimonial law has changed considerably over time. Earlier, cruelty was generally understood in terms of physical violence or serious misconduct. With changing social conditions, courts have gradually recognised that a person can suffer deep mental and emotional harm even when there is no physical violence. This has led to the development of the concept of mental cruelty as a ground for divorce under Section 13(1)(ia) of the Hindu Marriage Act, 1955. The Supreme Court's judgment in *Sonal Talpada v. Veerbhan Singh*<sup>1</sup>, decided on 2 June 2026, is an important step in this development. The Court upheld divorce on the ground of mental cruelty and also exercised its power under Article 142 of the Constitution to dissolve the marriage on the ground of irretrievable breakdown. The judgment is significant because it looks at cruelty not merely as a collection of individual acts, but also as the result of a long period of separation, lack of cohabitation, emotional alienation and failure to rebuild the matrimonial relationship. At the same time, the decision raises important questions about how far the concept of mental cruelty can be expanded without making long separation itself an automatic ground for divorce.

## FACTS OF THE CASE

Sonal Talpada and Veerbhan Singh married on 5 December 2007 according to Hindu rites. Both parties were doctors working in government service. The wife was working as a gynaecologist in Gujarat, while the husband was working in Rajasthan. No child was born from the marriage. The parties lived together for only about two to three months. Differences arose between them and the husband filed a divorce petition in 2009 under Section 13(1)(ia) of the HMA, alleging cruelty. The Family Court dismissed the petition, holding that the husband had failed to prove cruelty. The Rajasthan High Court later reversed that decision and granted divorce. The wife then approached the Supreme Court. Before the Supreme Court, the wife argued that she had never abandoned the marriage and was willing to continue the matrimonial relationship. She also argued that the husband could not take advantage of his own wrong. According to her, she had even made efforts to adjust her professional life for the marriage. The husband, on the other hand, argued that the parties had lived separately for more than fifteen years, had barely lived together after marriage and had failed to develop mutual trust and companionship. He also alleged repeated refusal of

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<sup>1</sup> *Sonal Talpada v. Veerbhan Singh*, 2026 INSC 620 (India).

sexual relations. The Supreme Court noted that mediation attempted during the proceedings had also failed and that there had been no reconciliation despite the long passage of time.

## ISSUES BEFORE THE SUPREME COURT

The main questions before the Court were:

1. Whether the conduct of the wife amounted to mental cruelty under Section 13(1)(ia) of the HMA.
2. Whether the prolonged separation of the parties could itself be considered while determining mental cruelty.
3. Whether the Supreme Court could dissolve the marriage on the ground of irretrievable breakdown by using Article 142 of the Constitution.

## THE COURT'S DECISION

The Supreme Court upheld the divorce granted by the High Court, relying on the principles laid down in *Samar Ghosh v. Jaya Ghosh*<sup>2</sup>, where mental cruelty was held to depend on the overall matrimonial relationship and the cumulative effect of the parties' conduct. The Court noted the parties' short period of cohabitation, separate living arrangements, and repeated refusal of conjugal relations without reasonable cause. It also considered their fifteen years of separation, lack of meaningful cohabitation, failed reconciliation, and emotional distance. In the circumstances, prolonged separation was treated as an indicator of mental cruelty, as forcing the parties to continue a relationship that had effectively broken down could itself cause further hardship. The Court also considered subsequent events during the litigation and exercised its power under Article 142 to dissolve the marriage on the ground of irretrievable breakdown.

## EVOLVING MEANING OF MENTAL CRUELTY

The most important contribution of *Sonal Talpada* is its broader understanding of mental cruelty. In *Samar Ghosh*, the Supreme Court had already recognised that mental cruelty is a flexible

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<sup>2</sup> *Samar Ghosh v. Jaya Ghosh*, (2007) 4 SCC 511 (India).

concept. The Court explained that conduct has to be assessed cumulatively rather than by examining isolated incidents. It also identified prolonged separation as one possible circumstance showing that a matrimonial relationship has become beyond repair. Sonal Talpada takes this principle further. It shows that cruelty may emerge from the overall condition of the marriage rather than from one dramatic act. The Court considered factors such as:

- prolonged physical separation;
- absence of meaningful cohabitation;
- lack of mutual accommodation;
- emotional alienation;
- failure of reconciliation; and
- conduct of the parties during the litigation.

This reflects a more realistic understanding of modern matrimonial relationships. Marriage is not simply a legal status. It involves companionship, emotional support, communication and shared responsibilities. When these elements disappear for a very long period, the legal relationship may remain while the practical relationship has already ceased to exist. The judgment therefore moves mental cruelty away from a narrow "wrongdoer versus victim" model. In some circumstances, the Court may find that the continuing marital relationship itself has become a source of suffering for both spouses.

## **CRITICAL ANALYSIS**

The judgment recognises the practical reality of a marriage that had effectively broken down after fifteen years of separation. It follows *Samar Ghosh* in treating mental cruelty as a flexible concept based on the overall circumstances rather than a fixed definition. Importantly, the Court did not make long separation an automatic ground for divorce; it considered it along with lack of cohabitation, failed reconciliation and emotional alienation.

However, the judgment also raises concerns. It may blur the distinction between mental cruelty, which is a statutory ground under the HMA, and irretrievable breakdown, which is not an

independent statutory ground and is addressed by the Supreme Court through Article 142. As recognised in *Shilpa Sailesh v. Varun Sreenivasan*<sup>3</sup>, this power must be exercised cautiously.

The Court's reference to mutual cruelty also requires care. Ordinary marital disagreements, incompatibility or differences in lifestyle should not automatically be treated as cruelty. Similarly, while persistent refusal of sexual relations without reasonable cause may constitute mental cruelty, courts must consider the circumstances carefully and respect consent and bodily autonomy.

## RELATIONSHIP WITH RECENT JURISPRUDENCE

The judgment fits within a broader recent trend of the Supreme Court dealing with marriages that have remained legally alive despite having effectively ended in practice. In *Nayan Bhowmick v. Aparna Chakraborty*<sup>4</sup>, the Supreme Court also considered prolonged separation and failed reconciliation in determining the fate of a marriage. The case reflects the Court's increasing willingness to look at the substance of the matrimonial relationship rather than only its formal legal existence. Similarly, *Shilpa Sailesh* established that the Supreme Court can, in appropriate cases, use Article 142 to dissolve a marriage because of irretrievable breakdown even where one spouse does not consent. However, the power is discretionary and must be used to achieve complete justice. Thus, *Sonal Talpada* can be seen as part of a gradual movement from a purely fault-based approach towards a more realistic assessment of whether the matrimonial relationship continues to have substance.

## CONCLUSION

*Sonal Talpada v. Veerbhan Singh* represents an important development in Indian matrimonial law. It confirms that mental cruelty is not limited to physical violence, abusive behaviour or isolated acts. It may arise from the cumulative effect of conduct, prolonged emotional separation, absence of cohabitation and the practical collapse of the marital relationship. At the same time, the judgment should not be understood as establishing a simple rule that fifteen years of separation

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<sup>3</sup> *Shilpa Sailesh v. Varun Sreenivasan*, (2023) 4 SCC 692 (India).

<sup>4</sup> *Nayan Bhowmick v. Aparna Chakraborty*, 2025 INSC 1436 (India).

automatically amounts to cruelty. Its reasoning depends on the particular combination of circumstances, including the short period of cohabitation, prolonged separation, failed reconciliation and emotional alienation. The larger question is whether courts should continue developing the concept of mental cruelty to address irretrievably broken marriages or whether Parliament should formally recognise irretrievable breakdown as a separate statutory ground. *Sonal Talpada* does not completely resolve that debate, but it clearly shows that Indian matrimonial law is moving towards a more practical and human understanding of marriage. Ultimately, the judgment reflects an important principle: matrimonial law should protect the institution of marriage, but protection of marriage cannot mean preserving a relationship only as a legal formality when, after careful judicial examination, the relationship has ceased to function in substance. The challenge for future courts will be to maintain this balance without allowing mental cruelty to become an overly broad substitute for every form of marital incompatibility.