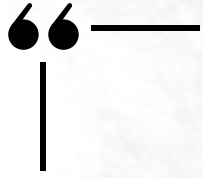


Constitutional Bench Update

Shilpa Sailesh v. Varun Sreenivasan

**Court's power to dissolve marriage
under Article 142 of the Constitution
of India**





Bench

**Justices S.K. Kaul, Sanjiv Khanna,
Abhay S. Oka, Vikram Nath,
J.K. Maheshwari**

**Case Admitted on
March 24, 2021**

**Last Date of Hearing
September 29, 2022**

**Status
Judgment Reserved**



Background

“

In 2014, the parties moved to Supreme Court seeking divorce under Hindu Marriage Act, 1955 invoking its powers under Article 142 of Constitution of India, as the marriage had been ‘irretrievably damaged’.

In 2015, Supreme Court granted them divorce by using its powers granted by Article 142 of the Constitution, which allows the Court to make any orders it deems appropriate to deliver complete justice. But the Court noted that it had numerous other petitions pending before it having similar claims.

”

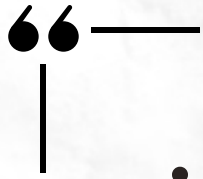
“

In June 2016, two-judge bench of Supreme Court appointed Senior Advocate Indira Jaisingh, Dushyant Dave, and Meenakshi Arora as amicus curiae and referred the matter to a Constitution Bench.

On September 20, 2022, the matter was heard by a Constitution Bench led by Justice Sanjay Kishan Kaul. The court noted that it would have to determine that how to apply Article 142 of the Constitution to dissolve a marriage when one of the spouses does not consent to a divorce.

”

Issues under Consideration



- To what extent does Article 142 of the Constitution give the Supreme Court the power to dissolve a marriage by granting a decree of divorce when one or more parties do not agree to the same?
- Should Article 142 be invoked to decide divorce cases? If so, how should it be applied based on the facts of each case?



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+91-120-4014524



contact@manupatra.com