



**CLAT 2024**  
**RANBHOO MI**  
**THE FINAL SPRINT**

— THE CLAT COMBAT —  
**THE LEGAL EAGLE**



**LEGAL REASONING**

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## THE CLAT COMBAT

### Legal Reasoning 2

The Bombay High Court recently held that the conduct of a petitioner woman raising allegations against her husband in court, by calling him an “alcoholic and womaniser” without substantiating the allegations, resulted in “shredding his reputation in the society” and it amounted to “cruelty” under the Hindu Marriage Act, 1955, entitling him to divorce. The Court dismissed an appeal by a 50-year-old woman who challenged the November 2005 decree of the Pune Family Court which dissolved her marriage with a retired Army officer, who passed away during the pendency of her appeal in the High Court. His legal heir was brought on record to proceed with the appeal. The Court observed, “We find that the petitioner has repeatedly made allegations assassinating the character of the respondent (husband), in both the rounds of litigation. The conduct of the petitioner in continuing to make unwarranted, false, and baseless allegations pertaining to the respondent’s character labelling him as an alcoholic and womaniser has resulted in shredding his reputation in the society.”

The court went on to hold, “...considering the standing of the respondent in the society, the stand of the respondent that he could not put up with such conduct of the petitioner defaming him in the society where he was carrying out social work and that he cannot continue with the matrimonial relationship in the face of such allegations cannot be said to be unjustified. Considering the above, we find that the conduct of the petitioner constitutes ‘cruelty’ within the meaning of Section 13 (1) (i-a) of Hindu Marriage Act, 1955.” Section 13 in The Hindu Marriage Act, 1955 provides “13. Divorce.—(1) Any marriage solemnized, whether before or after the commencement of this Act, may, on a petition presented by either the husband or the wife, be dissolved by a decree of divorce on the ground that the other party— (ia) has, after the solemnization of the marriage, treated the petitioner with cruelty.”

In *Maya Devi v. Jagdish Prasad*, AIR 2007 SC it was held that : Cruelty which is a ground for dissolution of marriage may be defined as wilful and unjustifiable conduct of such character as to cause danger to life, limb or health, bodily or mental, or as to give rise to a reasonable apprehension of such a danger. The question of mental cruelty has to be considered in the light of the norms of marital ties of the particular society, to which the parties belong, their social values, status, environment in which they live. Cruelty need not be physical. If from the conduct of the spouse it is established or an inference can be legitimately drawn that the treatment of the spouse is such that it causes apprehension in the mind of the other spouse, about his or her mental welfare then this conduct amounts to cruelty. Source: Extracted (with edits and revisions) An excerpt from article titled “Labelling husband ‘womaniser, alcoholic’ without evidence amounts to cruelty: Bombay HC”, published at “TheIndianExpress”.

**1.** Vidhan and Vidhi have been married for 4 years. Vidhan tells Vidhi that he will soon get himself converted to another religion which allows multiple marriages, since he wants to be polyamorous. Vidhan however only threatens to do, but has not yet converted himself to another religion. Vidhi has expressed her unwillingness and agony about the same to Vidhan. Decide.

- (a) Vidhi can file for divorce as Vidhan has cheated on Vidhi.
- (b) Vidhi can file for divorce as no wife can tolerate her husband being polyamorous.
- (c) Vidhi can file for divorce on grounds of mental cruelty.
- (d) Vidhi cannot file for divorce as Vidhan has only threatened but has not committed any act in furtherance of it.

**2.** Vidhishree and Vidman have been in love since 5 years. However Vidhishree’s father arranges her marriage with Vidhanshu. After their marriage, Vidhishree often threatens Vidhanshu that she will commit suicide as she has been married against her will and the blame of the same will fall upon Vidhanshu. Vidhishree however has never attempted to commit suicide and only says this repeatedly as she is extremely sad. Decide.

- (a) Vidman can file for divorce on grounds of mental cruelty by Vidhishree.
- (b) Vidhanshu can file for divorce as she is in love with another man.
- (c) Vidhishree can file for divorce as her consent for marriage was not free.
- (d) Vidhanshu can file for divorce on grounds of mental cruelty.

**3.** Vigzee and Vidzan have been married for 7 years. Vidzan constantly criticizes Vigzee for her looks and tells her constantly that he is embarrassed of being seen together with her. Vigzee is Vidzan’s second wife (first marriage still subsisting) and they are both Hindu. Hindu Marriage Act does not recognize a second marriage while the previous one is subsisting and declares any such marriage as void. Decide.

- (a) Vigzee can file for divorce on the grounds of mental cruelty.
- (b) Vigzee cannot file for divorce as no valid marriage exists between the two.
- (c) Vigzee cannot file for divorce as it is a trifle.
- (d) Vigzee cannot file for divorce as she can take his comments positively and can work on her looks.

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4. Vidman and Vidwoman are married and Vidman often threatens Vidwoman that if she doesn't clear her diploma course he will hang her to the ceiling fan. One day before her exam Vidman gets all kinds of accessories required to hang Vidwoman to the fan in case she performs poorly in her exam. Vidwoman feels scared for her life. Decide.

- (a) Vidwoman can avoid this entire fiasco by studying properly for her exams.
- (b) Vidwoman can file for divorce as Vidman's conduct is of such character as to cause reasonable apprehension of danger to life, to Vidwoman.
- (c) Vidwoman can file for divorce as asking someone to study amounts to mental cruelty.
- (d) Vidwoman can file for divorce as no one should force another to study.

5. Vidhan and Vidhi are married to each other and Vidhan's affords every monetary demand made by Vidhi. Vidhi repeatedly tells Vidhan that he should divorce her and marry another woman named Vidlee as Vidlee is ready to pay a lot of money to Vidhi if Vidhi convinces Vidhan to marry Vidlee. Vidhi keeps insisting Vidhan for the same even though Vidhan is not interested in marrying Vidlee and feels demeaned by such demand. Decide.

- (a) Vidhan can file for divorce on grounds of mental cruelty.
- (b) Vidhan can file for divorce and thereby must marry Vidlee.
- (c) Vidhan cannot file for divorce as he affords all monetary demands of Vidhi and this shouldn't be an exception.
- (d) Vidhan cannot file for divorce on grounds of cruelty as Vidhi's conduct does not fall within the ambit of cruelty.

### 1. Ans. c

Sol. The correct answer is option (c) as the action of Vidhan of threatening Vidhi amounts to mental cruelty and the same is supported from the passage in the lines "Cruelty need not be physical. If from the conduct of the spouse it is established or an inference can be legitimately drawn that the treatment of the spouse is such that it causes apprehension in the mind of the other spouse, about his or her mental welfare then this conduct amounts to cruelty." Option (a) is incorrect as the facts do not provide that Vidhan has cheated upon Vidhi. Option (b) is incorrect as it is an assumption. Option (d) is incorrect as cruelty can be mental too as expressed in the passage.

### 2. Ans. d

Sol. The correct answer is option (d) as constant threat to commit suicide by Vidhishree would cause legitimate apprehension in the mind of Vidhanshu and would amount to mental cruelty. Option (a) is incorrect as Vidman is not married to Vidhishree. Option (b) is incorrect as it is outside the scope of the passage and there is no such ground for divorce mentioned. Option (c) is incorrect as it is outside the scope of the passage.

### 3. Ans. b

Sol. The correct answer is option (b) as the facts mention that Hindu marriage Act does not recognize a second marriage while the previous one is subsisting. Since there is no valid marriage between the two, instance of divorce cannot arise. Therefore option (a) is incorrect. Options (c) and (d) are incorrect as they have no logical nexus and are outside the scope of the passage.

### 4. Ans. b

Sol. The correct answer is option (b) as Vidman's conduct fall within the ambit of cruelty as mentioned in the passage and is ground for divorce, same can be inferred from the lines "Cruelty which is a ground for dissolution of marriage may be defined as wilful and unjustifiable conduct of such character as to cause danger to life, limb or health, bodily or mental, or as to give rise to a reasonable apprehension of such a danger." Options (a) (c) and (d) are incorrect as they are generalised statements having no logical reasoning in the present context.

### 5. Ans. a

Sol. The correct answer is option (a) the conduct of Vidhi falls under the ambit of mental cruelty, as it opposed to marital norms to treat your spouse like commodity. "The question of mental cruelty has to be considered in the light of the norms of marital ties of the particular society, to which the parties belong, their social values, status, environment in which they live." Therefore option (d) is incorrect. Options (b) and (c) are not logically sound and must be rejected.