

Irretrievable Breakdown of Marriage

Marriage, traditionally viewed in India as an indissoluble sacred union, has faced the evolving dynamics of personal relationships and societal changes. The judiciary, particularly the Supreme Court, has been at the forefront of interpreting these shifts through its jurisprudence, specifically addressing the concept of "irretrievable breakdown of marriage." This legal notion marks a significant departure from fault-based divorce, acknowledging the complexities of failed marriages that cannot be salvaged.

underscores the court's cautious approach, balancing legal principles with societal values and the individuals' emotional well-being.

The Socio-Spiritual Dimension of Marriage in India

Indian society places immense importance on the sanctity of marriage. The Supreme Court's hesitancy to standardise the dissolution of marriage based on irretrievable breakdown reflects a deep understanding of the socio-spiritual stakes. The court recognizes that marriage is a cornerstone of

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Judicial Prudence and Article 142 of the Constitution

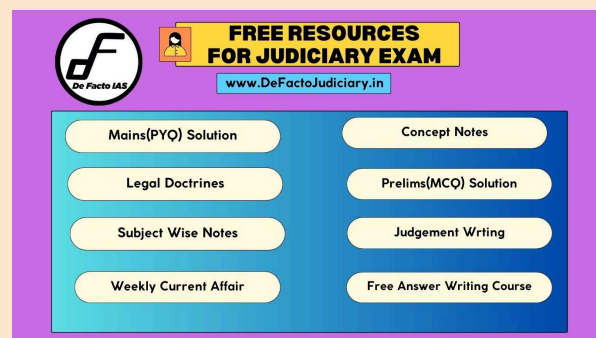
The Supreme Court's authority under Article 142 to ensure "complete justice" allows it to transcend the limitations of conventional legislative frameworks in matrimonial disputes. A landmark illustration of this is the case of **Dr. Nirmal Singh Panesar V. Mrs. Paramjit Kaur Panesar**. In this scenario, despite the husband's plea for divorce based on the marriage's irretrievable breakdown, the court chose not to dissolve the marriage, taking into account the wife's opposition and societal implications. This decision

societal structure, not just a private agreement between two individuals. The refusal in the Panesar case emphasises respect for personal sentiments and the social fabric, where the stigma associated with divorce remains potent and can lead to profound social consequences.

The Role of Discretion in Matrimonial Law

The Supreme Court's application of Article 142 in matrimonial matters illustrates the critical role of judicial discretion when the statutes fall short of addressing the ground realities of dysfunctional marriages. Decisions like **Shilpa Shailesh vs. Varun**

Sreenivasan highlight how the court intervenes to prevent further emotional distress and prolonged legal battles by dissolving marriages that have clearly failed beyond repair. These rulings demonstrate the judiciary's flexibility in adapting legal interpretations to the evolving societal norms and individual circumstances.



Legislative Considerations and Future Directions

The use of Article 142 raises important questions about the balance between judicial discretion and legislative intent. The judiciary's proactive role highlights potential areas where the existing matrimonial laws might be reformed to incorporate modern realities, including recognizing irretrievable breakdown as a formal ground for divorce. Such legislative updates would align the law more closely with contemporary social practices and reduce the burden on the judiciary to fill legislative gaps.

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