



2025:AHC:172152-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**FIRST APPEAL No. - 706 of 2025**

Arpit Garg

.....Appellant(s)

Versus

Ekta Gupta

.....Respondent(s)

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Counsel for Appellant(s) : Ashish Gupta  
Counsel for Respondent(s) :

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**A.F.R.**

**Court No. - 39**

**HON'BLE ARINDAM SINHA, J.**

**HON'BLE AVNISH SAXENA, J.**

**(Per Arindam Sinha,J.)**

1. Mr. Ashish Gupta, learned advocate appears on behalf of appellant-husband. He submits, his client is aggrieved by judgement dated 13<sup>th</sup> August, 2025 dismissing joint application made by the parties for allowing them to file and maintain joint petition for divorce by mutual consent. Mr. Manoj Kumar Gautam, learned advocate appears on behalf of respondent. He submits, his client supports appellant.

2. Mr. Gupta submits, the joint application was made under section 14(1) in Hindu Marriage Act, 1955. Leave ought to have been granted by the Family Court. It erred on facts as well as in law, to dismiss the application.

3 He submits, exceptional hardship is being suffered by his client. Firstly, because respondent lodged criminal complaint, pursuant to which criminal case is pending. Furthermore, his client wants to proceed abroad and this litigation prevents him.

4. He relies on **judgement dated 29<sup>th</sup> May, 2025** of coordinate Bench in **First Appeal Defective no. 115 of 2025 (Angad Soni Vs. Arpita Yadav)**. He submits, it was made on similar, if not same facts. Relied upon paragraph 14 is reproduced below.

*"14. After going through the factual as well as legal aspect of the matter, it is clear that case of the appellant is also covered with the aforesaid judgements passed by various High Courts. The proviso to Section 14 (1) of the Act, 1955 is an exception to the necessity for expiration of a period of one year since the date of marriage to enable a party to file a petition for divorce. Once an application under Section 14 (1) of the Act, 1955 is*

*filed before the court, certainly the court has to see whether there is exceptional hardship to the petitioner or exceptional depravity on the part of the respondent. In the present case, it is borne out of the record that criminal cases have been filed by the respondent and there is no chance that marriage will subsist. Therefore, the proviso to Section 14(1) of the Act, 1955 is to be invoked, so that the parties may get divorce and lead their peaceful life. Both the parties have mutually filed the divorce petition along with an application under Section 14(1) of the Act, 1955, therefore, the said application is ought to be allowed."*

(emphasis supplied)

5. We have no hesitation to say that where the parties have agreed to jointly petition for divorce by mutual consent within a short while of the marriage, taken place on 3<sup>rd</sup> March, 2025, neither party has claimed exceptional depravity. We go further to say that their conduct of being able to agree with each other to jointly petition for divorce by mutual consent militates against any or both of them alleging exceptional hardship. Intention of the legislature is clear inasmuch as, the marriage must be given a chance. Of all the provisions in the Act for separation of the parties, they are subject to section 14. There can be cases of exceptional hardship and depravity, where one spouse is trying to take advantage of the marriage happened. Here, both parties have joined and they have said in their joint petition, they are living separately. On query Mr. Gupta submits, the parties stand separated from 21<sup>st</sup> March, 2025. It follows, they stayed together for less than 20 days.

6. We see that in **Angad Soni** (supra) coordinate Bench did not take an independent view but found the case covered by judgements passed by various High Courts. On facts and in the circumstances of present case, we have taken a view.

7. We do not find reason to interfere with impugned judgement. It is confirmed. The appeal is dismissed. We still hope parties, in the time required before they can file for divorce by mutual consent, will get back together.

8. The appeal is disposed of.

(**Arindam Sinha,J.**)

(**Avnish Saxena,J.**)

**September 24, 2025**

Abhishek Sri.