

DIVORCE SOUGHT ON GROUND OF IMPOTENCY

II (2009) DMC 699

MADHYA PRADESH HIGH COURT

N.K.MODY, J

SHEELA BAI -Appellant

Versus

DEOKARAN -Respondent

F.A.No. 270 of 2004 -Decided on 7.8.2008

Hindu Marriage Act, 1955 –Sections 13,12,28 - Divorce sought on ground of impotency – Impotency is not a ground available under Section 13 – Section 12 of Act deals with voidable marriages according to which marriage may be annulled by decree of nullity on ground that marriage has not been consummated owing to impotence of either party to marriage – Marriage took place in 1997 – Parties living separately since then and remained together for short period – Marriage irretrievably broken down – without making any observation about impotency of husband marriage between parties dissolved. (Paras 16,17)

Result: Appeal allowed.
