

## Rights of Divorced Wife

Sr. No.	Title	Citation	Question involved	Held
1	<b>Krishna Bhatacharjee Vs Sarthi Chaudhary and others</b>	2016 (1) RCR (Crl) 152 (SC)	Rights of Divorced Wife	Wife does not cease to be 'aggrieved person' because of decree of judicial separation. Once decree of divorced status of parties becomes different but that is not so when there is a decree of judicial separation. There is a distinction between decree for divorce and decree of judicial separation. In the formal there is severance of status and parties do not remain as husband and wife. Whereas in the later, the relationship between husband and wife continues and has not snapped.
2	<b>Parkash Nagardas Dubal Shaha Vs Sou. Meena Prakash Dubal Shah and ors.</b>	Crl. Appeal No 320 of 2016 DOD 22.04.16 (SC)	Rights of Divorced Wife	Held – an unsuccessful divorce proceeding filed by the wife does not adversely affect her right to claim reliefs under the DV Act. Though wife filed divorce, which was rejected, she continues to be the legally wedded wife and her application under DV Act remains maintainable.
3	<b>Inderjit Singh Garewal Vs St. of Punjab</b>	2011 (4) RCR (Crl) 1 (SC)	Rights of Divorced Wife	Landmark Judgment. Where a decree of divorce dissolving the marriage by way of mutual consent has been passed by a competent court, complaint under DV Act is not maintainable till decree of divorce subsists. Domestic relationship ceases on divorce.
4	<b>Harbans Lal Malik Vs Payal Malik</b>	2010 (7) RCR (Crl) 1397 (SC)	Rights of Divorced Wife	Domestic relationship between aggrieved person and respondent must be present and alive at the time of filing complaint. So as to entitle wife for reliefs.
5	<b>JUVERIA ABDUL MAJID PATNI</b>	2014 (4) RCR (Civil) 570;	Rights of Divorced Wife	<ul style="list-style-type: none"> <li>• Held – an act of domestic violence once committed, subsequent decree of divorce</li> </ul>

	<b>Vs. ATIF IQBAL MANSOORI</b>	Law Finder Id # 624870 (SC)		will not absolve the liability of the respondent from the offence committed or to deny benefit to which the AP is entitled under the DV Act including monetary relief u/s 20, Child Custody u/s 21, Compensation u/s 22 and Interim Relief u/s 23 of the Act.
6	<b>Hema Rawal Vs Prashant Sharma</b>	2015 (2) RCR (Crl) 195 (P&H)	Rights of Divorced Wife	Where wife has challenged ex-parte decree of divorce, means that divorce decree has not become final. Until and unless decree of divorce becomes final, wife falls under the scope of 'aggrieved person' as matrimonial relationship is alive and sustaining. Such wife is entitled to reliefs under DV Act.
7	<b>Abhishek Sharma Vs Shweta Sharma</b>	Crl. Misc. No.M-29910 of 2014, DOD 24.04.15 (P&H)	Rights of Divorced Wife	DR between AP and respondent must be present and alive at the time when complaint under DV Act is filed. If this relationship is not alive on the date when complaint is made, DR cannot be said to be there.