



## FROM DISCORD TO JUSTICE: A LEGAL STUDY OF MATRIMONIAL ADJUDICATION IN THE FAMILY COURT, KAMRUP AT GUWAHATI

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### ABSTRACT :

*This article critically examines the functioning of Indian Family Courts, with special reference to the Family Court, Kamrup, at Guwahati, in resolving matrimonial disputes, paying particular attention to procedural delays, judicial attitudes, and the role of Alternative Dispute Resolution (ADR). Drawing on statutory analysis, judicial pronouncements, and empirical data—especially from Assam—it explores the systemic challenges that hinder the delivery of timely, empathetic justice. The study argues for a culturally sensitive, accessible, and reform-oriented approach to matrimonial adjudication, emphasising the need for judicial restraint, institutional strengthening, and public legal awareness.*

**Keywords:** Family Courts Act, Matrimonial Disputes, Judicial Delay, ADR, Irretrievable Breakdown

### 1.Introduction:

‘‘तारीखपेतारीख,तारीखपेतारीख, तारीखपेतारीख,  
मिलतीरहीहै,लेकिनइंसाफनहींमिलामाईलॉर्ड,मिलीहैतोसिर्फयेतारीख ‘‘

(*‘‘Tarikh petarikh, Tarikh petarikh, Tarikh pe Tarikhmiltirahihai .....  
Lekin insaafnahimila my lord, insaafnahimila,  
milahaitohsirf yeh tarikh....!!!’’*)

No one can forget the quoted dialogue from the lips of Hindi cine star Sunny Deol in the famous 1993 Hindi film *Damini*. The plain meaning of the said dialogue well depicts the plight and predicaments of litigants in India.

Litigation in matrimonial disputes is also acrimonious and lengthy, like all other litigations, which ultimately becomes frustrating due to the passage of time. Inordinate delays



in resolving marital disputes cause severe hardships to the litigant, particularly to the woman, and they even aggravate those with children. It has been seen that some courts even refuse to grant an interim maintenance amount to the wife who, *prima facie*, seems to be in distress with her child/children in the absence of any income of her own. Some judges are very pragmatic and resolve the issues very expeditiously. However, some judges are so pedantic in their approach that they derail and frustrate the very purpose and rationale of beneficial legislation. Those judges are not only conscienceless but also devoid of sensibility in dealing with cases involving human rights and life.

Resolution of marital discord is the most sensitive task for a judicial system, which includes the services and functions of a Mediator, a Conciliator, and a Judge. The Court must be sensible before passing any judgment or order, as it affects not only the lives of the parties litigating but also their children. Inordinate delay in resolving marital disputes may take a toll on children's lives.

## **II. Objectives:**

- 1] To critically evaluate the functioning of Indian Family Courts, particularly in Kamrup Metro at Guwahati, in the adjudication of matrimonial disputes, with a focus on procedural delays and judicial attitudes.
- 2] To examine the impact of prolonged litigation on litigants—especially women and children—and highlight the emotional, financial, and social consequences of delayed justice.
- 3] To analyse the role and effectiveness of Alternative Dispute Resolution (ADR) mechanisms such as mediation and conciliation in resolving marital discord within the Family Court framework.
- 4] To identify systemic and institutional challenges that hinder timely and empathetic resolution of matrimonial cases, particularly in the context of Assam.
- 5] To advocate for a culturally sensitive and reform-oriented approach to matrimonial adjudication, emphasising judicial restraint, institutional strengthening, and public legal awareness.
- 6] To underscore the need for empathetic judicial conduct and the importance of balancing procedural rigour with human sensitivity in cases involving family and personal rights.



### III. Methodology:

This study adopts a mixed-method approach, combining doctrinal analysis with empirical investigation to critically examine the functioning of Family Courts in India, with a regional focus on Assam.

- Primary Data Sources:
  - National Judicial Data Grid (NJDG): Quantitative data on case pendency, disposal rates, and timelines in matrimonial disputes were extracted to assess procedural efficiency and delay patterns.
  - Kamrup Family Court Records: Personal case files and Court proceedings were reviewed to understand judicial behaviour, interim relief practices, and the lived experiences of litigants—particularly women and children.
- Secondary Data Sources:
  - Statutory texts including the Family Courts Act, 1984, relevant provisions of the Civil Procedure Code, and the Indian Evidence Act.
  - Judicial pronouncements from High Courts and the Supreme Court of India, especially those interpreting irretrievable breakdown and ADR mandates.
  - Scholarly articles, reports, and commentaries on family law reform and procedural justice.
- Empirical Techniques:
  - Case Study Analysis: Select cases from the Kamrup Family Court were analysed to trace procedural trajectories, judicial attitudes, and outcomes.
  - Comparative Review: Data from NJDG were juxtaposed with field observations to identify gaps between institutional performance and ground realities.

This methodology enables a nuanced understanding of how procedural delays, judicial discretion, and ADR mechanisms shape the experience of matrimonial litigation in Assam and informs the study's reform-oriented recommendations.

### IV. Result and Discussion:

#### 4.1 Causes of Delay in Matrimonial Litigation:

The causes of delay in the disposal of cases in Indian Courts are manifold and constitute a considerable topic for research. Innumerable adjournments, undue delay in serving notices upon the Accused or the respondents/Defendants, vacant courts, lack of infrastructure and manpower are the primary reasons for delay in disposing of cases in Courts.

#### 4.2 Structural and Procedural Bottlenecks

- Adjournments arise from intentional delay tactics, negligence, or poor time management by lawyers and courts.



- Vacant benches, inadequate infrastructure, and insufficient judicial workforce exacerbate pendency.
- India's judge-population ratio remains alarmingly low—approximately 20,000 judges for over 137 crore citizens.

### 4.3 Legislative Design and Practical Gaps

- Section 13 of the Family Courts Act restricts lawyer participation, often disadvantaging litigants unfamiliar with legal procedures.
- Many districts lack trained counsellors and mediators, undermining the conciliatory intent of the Act.
- Average disposal time ranges from 4–5 years at the trial stage and 2–3 years in appellate courts.

Apart from the above, the adjournments by the lawyers and sometimes by the courts have been viewed very seriously as causes of delay in disposing of cases and can be explained in the following manner –

*“3. Causes/factors behind Adjournments: The causes for adjournments, or the factors behind them, can be divided into five broad heads:*

- 1. Intentional- because of the benefits from delay;*
- 2. Negligent or lackadaisical or callous approach;*
- 3. Poor time management by the lawyer, because of which he is not present in Court when he should be.*
- 4. Poor time management and other deficiencies in the Court's functioning; and*
- 5. Inevitable (genuine) adjournment due to unavoidable reasons.”<sup>1</sup>*

The above enumerations of causes of delay in the disposal of cases are undoubtedly correct, and the reality is complex. However, apart from the above, there are other aspects to consider. In the current scenario, it is evident that maintaining the judge-population ratio is a distant goal in India. As of now, India has a population of approximately 137 crores. And against the said population, we have approximately 20000<sup>2</sup> (Twenty Thousand) Judicial Officers, including the higher judiciary and Judges of the Supreme Court. Can anyone imagine a hospital having 137 crore patients and 20000 doctors? The same is true of the Indian judiciary. Nothing can reduce the backlog of cases unless the appropriate government

<sup>1</sup>Arun Mohan, *Justice, Courts and Delays (Adjournments, Cases and Litigation Management)* published on the occasion of All India Seminar on "Directive Principles of Indian Constitution and inclusive growth" on 28<sup>th</sup> September 2013.

<sup>2</sup>Unconfirmed source



maintains the international standard for the judge-population ratio. It is simply ‘impossible’ to handle the present load of cases with the existing strength of judges and other supporting staff.

The Family Courts handle matrimonial disputes in a district established under the Family Courts Act, 1984 (Act No. 66 of 1984). In many districts, there are no Family Courts in India; in such districts, the Court of District Judges functions as the Family Courts. More interestingly, under Section 13 of the Family Courts Act, 1984, advocates are not allowed to participate in proceedings. However, a litigant can make an application to allow an advocate to act as *Amicus Curiae* in a proceeding. Contrary to this, where there is no family Court and the District Judges perform the function of a Family Court, in such a district, advocates are permitted to conduct matrimonial proceedings.

The legislators believed that advocates might delay matrimonial proceedings, and therefore, Section 13 of the Act was incorporated. But it has been proved otherwise. Due to a lack of knowledge regarding judicial proceedings, many litigants face severe trouble conducting their cases by themselves, and Court also do not take proper care of those cases where there is no lawyer appointed as *amicus curiae* and ultimately, the proceeding gets delayed and takes much longer than the normal time to get a dispute disposed of. On average, nowadays, a matrimonial litigation seeking divorce, judicial separation or restitution of conjugal rights takes 4 to 5 years to get disposed of. Thereafter, an additional two to three years is required to dispose of the appeal in the High Court if the aggrieved party prefers to appeal. Thus, litigants have to spare 7 to 8 years to resolve a matrimonial dispute, not to speak of the time taken in the Supreme Court to dispose of the SLP, if admitted by the Supreme Court.

### 3. Judicial Data and Pendency in Assam

It would be pertinent to note the current pendency of cases in the Trial Courts & High Courts. According to data from the National Judicial Data Grid (NJDG) (<https://njdg.ecourts.gov.in/hcnjdgnew/>), a substantial number of cases are pending adjudication across various courts in India. Data as of 04.07.2025, as projected by the NJDG, are presented below:

**Table-1<sup>3</sup>**

Details of Pending Cases in Gauhati High Court (Principal Seat) as on 01.09.2025

Sl. No.	Particulars	Civil	Criminal	Total
1	Less than 1 Year	13,496	5,448	18,944
2	1 to 3 Years	8,953	3,372	12,325

<sup>3</sup> <https://njdg.ecourts.gov.in/hcnjdgnew/>, 01.09.2025.



Sl.	Particulars	Civil	Criminal	Total
3	3 to 5 Years	5,374	1,433	6,807
4	5 to 10 Years	13,184	4,144	17,328
5	Above 10 Years	1,676	979	2,655
	<b>Total</b>	<b>42,683</b>	<b>15,376</b>	<b>58,059</b>

**Table-2<sup>4</sup>**

Details of Pending Cases in various District and Subordinate Courts in Assam  
as on 01.09.2025

Sl. No.	Particulars	Civil	Criminal	Total
1	Pending	1,10,113	4,38,579	5,48,691

**Age-wise Pending cases**

1	Less than 1 year old	53519	231826	285345 (52%)
2	1 to 3 Years Old	31152	132210	163362 (30%)
3	3 to 5 Years Old	11232	31786	43018 (8%)
4	5 to 10 Years Old	11851	38228	50079 (9%)
5	Above 10 Years Old	2359	4528	6887 (1%)
	<b>Total</b>	<b>1,10,113</b>	<b>4,38,578</b>	<b>5,48,691</b>

**Table-3<sup>5</sup>**

Number of Cases filed/instituted in various District and Subordinate Courts in Assam  
In August 2025.

Particulars	Civil	Criminal	Total
All cases filed in August 2025, all over Assam	3783	11600	15383

**Table-4<sup>6</sup>**

**Number of Cases disposed of** in various District and Subordinate Courts in Assam.  
In August 2025.

Particulars	Civil	Criminal	Total
Number of cases disposed of in August 2025 across Assam	3169	9001	12170

<sup>4</sup> [https://njdg.ecourts.gov.in/njdgnew/?p=main/pend\\_dashboard](https://njdg.ecourts.gov.in/njdgnew/?p=main/pend_dashboard), accessed on 01.09.2025.

<sup>5</sup> [https://njdg.ecourts.gov.in/njdgnew/?p=main/pend\\_dashboard](https://njdg.ecourts.gov.in/njdgnew/?p=main/pend_dashboard), accessed on 01.09.2025.

<sup>6</sup> [https://njdg.ecourts.gov.in/njdgnew/?p=main/pend\\_dashboard](https://njdg.ecourts.gov.in/njdgnew/?p=main/pend_dashboard), accessed on 01.09.2025.



**Table-5<sup>7</sup>**

**Method of Disposal**

Particulars	Civil	Criminal	Total
Contested Disposal	1225	3903	5128
Uncontested Disposal	1944	5098	7042

**Table-6<sup>8</sup>**

**Excessive Dated Cases as on 01.09.2025**

Particulars	Civil	Criminal	Total
Excessive Dated Cases	1453	35468	36921

The data reflected in the tables above is the most accurate, as it has been derived from the national database of the judiciary, maintained under the aegis of the Supreme Court and the Government of India. The figures are sufficient to ignite the mental agony of any person with reasonable prudence and to understand/imagine/realise the fate of litigants in India.

**4. Statistical Analysis of data received from the Family Court, Kamrup, at Guwahati from January 2015 to December 2024:**

**Table 7**

**Family Court Kamrup at Guwahati  
 Primary Data regarding the number of cases instituted in all 3 Courts  
From January 2015 to December 2024(Year-wise)**

Sl. No.	Year	F. C. (Civil)	All Misc. Cases	F. C. (Criminal)	Total
1	2015	903	208	524	1635
2	2016	1022	225	528	1775
3	2017	1143	241	562	1946
4	2018	1269	98	627	1994
5	2019	1327	108	623	2058

<sup>7</sup> [https://njdg.ecourts.gov.in/njdgnew/?p=main/pend\\_dashboard](https://njdg.ecourts.gov.in/njdgnew/?p=main/pend_dashboard), accessed on 01.09.2025.

<sup>8</sup> [https://njdg.ecourts.gov.in/njdgnew/?p=main/pend\\_dashboard](https://njdg.ecourts.gov.in/njdgnew/?p=main/pend_dashboard), accessed on 01.09.2025.



Sl. No.	Year	F. C. (Civil)	All Misc. Cases	F. C. (Criminal)	Total
6	2020	833	80	339	1252
7	2021	1330	148	583	2061
8	2022	1688	164	690	2542
9	2023	1585	167	736	2488
10	2024	1588	198	669	2455
	<b>Total</b>	12688	1637	5881	20206

*Note:*

*From 2015 to 2019, there were only two courts. In 2020, Court No.3 was established.*

**Table 8**  
**Family Court Kamrup at Guwahati**  
**Number of cases disposed of in all Courts <sup>3</sup>**  
**From January 2015 to December 2024 (10 years)**

Sl. No.	Year	F. C. (Civil) <sup>1</sup>	F. C. (Criminal) <sup>2</sup>	Total
1	2015	1168	462	1630
2	2016	1358	695	2053
3	2017	1443	698	2141
4	2018	1664	863	2527
5	2019	1505	758	2263
6	2020	379	76	455
7	2021	1007	301	1308
8	2022	2355	1255	3610
9	2023	1693	555	2248
10	2024	1786	518	2304
	<b>Total</b>	14360	6179	20539

NOTES:

1. F. C. Civil includes all miscellaneous cases as well as Title Execution.
2. F C (Criminal) includes Criminal Execution.
3. From 2015 to 2019, there were two Courts only. In 2020, Court No.3 was established.



**Table 9**

**Mode of Disposal of Cases from 2015 to 2024 (10 years) in the Family Court, Kamrup, at Guwahati (Civil Cases)**  
 (Including all Miscellaneous & Title Execution Cases)

Mode of Disposal	2015	2016	2017	2018	2019	Total
Contested Decree	165	281	295	326	198	1265
Consent/Compromise/Settled / Lok-Adalat /Divorce on Admission	280	232	259	370	444	1585
Dismissed/Dismissed for Default	119	74	34	33	123	383
Dropped/Rejected	50	85	333	448	328	1244
Filed / Withdrawn / Not Pressed	297	371	230	297	241	1436
Transfer	2	4	9	7	4	26
Stay	13	16	15	16	21	81
Disposed of	51	60	50	29	35	225
Allowed /Divorce Granted	129	116	111	43	23	422
Decided Ex parte	61	118	105	93	85	462
Amalgamated	1	1	0	0	0	2
Discharged	0	0	2	0	0	2
Restitution of Conjugal	0	0	0	2	2	4
Types of Case unspecified	0	0	0	0	1	1
<b>Total</b>	<b>1168</b>	<b>1358</b>	<b>1443</b>	<b>1664</b>	<b>1505</b>	<b>7138</b>

*Table Contd.*

Mode of Disposal	2020	2021	2022	2023	2024	Total
Contested Decree	17	47	78	58	52	252
Consent/Compromise/Settled / Lok-Adalat /Divorce on Admission	224	454	673	600	560	2511
Dismissed/Dismissed for Default	45	100	566	378	503	1592
Dropped/Rejected	2	1	3	2	4	12
Filed / Withdrawn / Not Pressed	64	315	794	488	423	2084
Transfer	3	0	23	14	12	52
Stay	4	4	9	6	13	36
Disposed of	2	9	18	14	34	77
Allowed /	4	10	10	6	5	35
Decided Ex parte	13	64	180	126	179	562
Amalgamated	0	0	0	0	0	0



Discharged	0	0	0	0	1	1
Restitution of Conjugal	1	3	1	1	0	6
<b>Total</b>	<b>379</b>	<b>1007</b>	<b>2355</b>	<b>1693</b>	<b>1786</b>	<b>7220</b>

**Table 10**  
**Mode of Disposal of Cases from 2015 to 2024 (10 years) in the Family Court, Kamrup, at**  
**Guwahati**  
**Criminal Cases**  
 (Including all Criminal Miscellaneous & Criminal Execution Cases)

Mode of Disposal	2015	2016	2017	2018	2019	Total
Contested Decree	88	145	142	149	109	633
Consent/Compromise/Settled / Lok-Adalat	55	61	108	230	98	552
Dismissed/Dismissed for Default	50	45	19	23	14	151
Dropped/Rejected	20	18	34	25	9	106
Filed / Withdrawn / Not Pressed	218	379	344	397	493	1831
Transfer	3	2	5	0	2	12
Stay	5	1	2	0	0	8
Disposed of	0	0	0	0	0	0
Allowed / Maintenance	0	0	3	0	0	3
Decided Ex parte	23	44	41	39	33	180
Amalgamated	0	0	0	0	0	0
Discharged	0	0	0	0	0	0
<b>Total</b>	<b>462</b>	<b>695</b>	<b>698</b>	<b>863</b>	<b>758</b>	<b>3476</b>

*Table Contd.*

Mode of Disposal	2020	2021	2022	2023	2024	Total
Contested Decree	4	5	36	22	30	97
Consent/Compromise/Settled / Lok-Adalat	24	133	166	122	42	487
Dismissed/Dismissed for Default	1	1	10	29	87	128
Dropped/Rejected	0	1	3	1	2	7
Filed / Withdrawn / Not Pressed	40	142	961	324	272	1739
Transfer	0	1	2	1	1	5
Stay	0	0	6	2	2	10
Disposed of	0	0	9	2	6	17
Maintenance Allowed	1	2	10	10	12	35



Decided Ex parte	6	16	51	42	64	179
F. C. (Crl.) No.320/2020 <sup>9</sup>	0	0	1	0	0	1
<b>Total</b>	<b>76</b>	<b>301</b>	<b>1255</b>	<b>555</b>	<b>518</b>	<b>2705</b>

### **Important Observations**

**1. Tremendous Faulty Maintenance of e-Court Records in the Family Court, Kamrup, at Guwahati.**

- The above tables have been prepared by perusing the electronic records provided from the Sessions Court’s server, as well as the documents submitted by the Family Court Administration as permitted by the Hon’ble Gauhati High Court.
- As can be seen from the above tables, there is no proper category-wise segregation of cases.
- For example, a divorce can be dismissed on merit or dismissed for default. The record keeper feeds the ‘mode of disposal’ as per his wish. He may write ‘dismissed’ or ‘Dismissed for default’. Now nobody knows ‘dismissed’ means ‘dismissed on merit’ or ‘dismissed for default’.
- Likewise, sometimes, they write only “Allowed”. Now, no one can find out; it was allowed after the contest or by mutual agreement.
- It is also undefined what is called “Dropped” and “Rejected”? A Petition may also be rejected on merit.
- Further, it is mentioned as ‘decided ex parte’. Now, there is no mechanism to determine whether the case was allowed ex parte or rejected.
- Parameters are undefined, inconclusive, and have excessive divisions, which are inconsistent and uneven.

### **ANALYSIS :**

1. In Ten Years, Family Courts, Kamrup have disposed of only 1517 Civil Cases on contest, and the Criminal Cases are 730.
2. In contrast, the number of cases settled on a compromise, an amicable settlement or by Lok Adalat is 4096 in the Civil Side, and 1039 in the Criminal Side.

<sup>9</sup>*This case has been shown in the Disposal List of Criminal Cases, but in the Column “Disposal Type”, it is mentioned as “Divorce Granted.” It is not understood that, in an F.C. (Criminal) Case, how divorce can be granted.*



3. A massive number of cases have been 'filed' or 'kept in abeyance' for unrecorded reasons, numbering up to 3520 in the Civil Side, and 3570 in the Criminal Side.

#### **4.4 Stages and Realities of Matrimonial Disputes**

##### **Social and Legal Trajectory**

Here are the probable situations that are relevant to understanding what happens in a Matrimonial Dispute in a Family Court/District Judges' Court:

- a) Generally, in Indian society, the victim side of a marriage does not resort to Court proceedings immediately after the first instance of any marital discord or conflict. The affected party may tolerate such cruelty or marital discord for the interest of their child, social stigma or for some other reason;
- b) However, after a period of time, the affected party resorted to judicial proceedings to resolve the issue;
- c) Very naturally, as and when a marital conflict arises, the family members of the parties first try to resolve the issues. However, when it fails, the affected parties, or those more severely affected, approach the Court.
- d) The next question arises the moment one has decided to go to Court; they need legal advice; thus, they go to a lawyer. One who can afford a lawyer is all right, but what will those who cannot do? Obviously, for such indigent persons, there is now a legal services authority set up in every district by the State Government, under the aegis of the High Court of the concerned state. The Legal Services Authority provides free legal aid to indigent persons. However, ironically, how many of those indigent/paupers know about such facilities available to them is also a million-dollar question. Therefore, proper public education is necessary for the effective utilisation of available resources by those in need.
- e) Presumed that somehow, the affected party approaches the Court with a written Petition and the Court takes cognizance of the matter and issues notice to the Opposite Party/respondent.
- f) Now, after an efflux of around 2/3 months, the opposite party appears in the Court. After appearing in the proceedings, the Court may agree to the relief prayed for by



- the affected party or may contest the suit vigorously. If it is a contest, then they will get at least 90 days to file their written statements.
- g) If it is accepted by the parties that they cannot live together, then they would go for a divorce on such terms, which may be mutually agreed.
  - h) If the opposite party contested the suit, then they would bring counter allegations of a severe nature and/or would try to erect a different story projecting the petitioner as one of the worst /people in the world, but they would resist the divorce proceeding and object to the prayer of granting divorce;
  - i) Again, in some cases, after a few years of suffering and moving from one Court to another, the parties decide to settle their dispute amicably outside the Court and obtain a decree as they want (i.e., a consensus decree), thus, they rest their respective cases.
  - j) It becomes most difficult when a party stands in a situation mentioned in point h) above, but they are unwilling to get separated from the spouse or to reconcile, or is in a position to reconcile and try to end their disputes & differences for a better conjugal life/restart their life.

In the situations mentioned at points **h)** and **i)** above, mediation/ADR can play a vital role. If it works, then it's suitable for all; however, if it fails, the affected party will ultimately have to take judicial recourse. In such cases, needless to say, in India, parties must face the rigmarole of a series of acrimonious litigations to determine whether they should obtain a divorce. There is, however, no doubt that judicial recourse is inevitable to resolve a matrimonial dispute if not settled otherwise. However, when resolving such disputes, can a Court be too forceful in reuniting an already broken-down marriage? The answer, in my humble understanding, is undoubtedly "No". Our next question is whether the current judicial process can provide any resolution that satisfies the aggrieved party. Whether it is better to resolve a matrimonial dispute through the "Alternative Dispute Resolution" system or should one resort to judicial proceedings only?

#### **4.5 Resolving Matrimonial Dispute by Judicial Orders: Viabilities of Resolving or Solving**



There are many instances in matrimonial litigation in which the parties initially appear arrogant. They promised themselves that they would teach their spouse a lesson. They refused to abide by any advice of the Counsellor of the Court. The matter was then sent to a trained mediator for amicable settlement, but it yielded no result. Thus, they wasted a year running from the Counsellor to the Court, Court to the Mediator, and then again to the Court for ultimate adjudication. The case of *Mr X v. Mrs Y*<sup>10</sup> was fought in the Family Court at Guwahati with great determination. The husband wanted a divorce despite having two daughters. Parties were arrogant and did not want an amicable settlement. The wife contested the suit with all force. However, lost in the trial, the trial Court deemed it appropriate to grant the decree of divorce on 25.11.2016 (after four years of litigation). The aggrieved wife approached the Hon'ble Gauhati High Court by filing a Matrimonial Appeal No. 8/2017 against the said judgment.<sup>11</sup> The Division Bench of the Gauhati High Court made several intensive attempts to reconcile the parties and compelled the husband to reunite. But it failed. Ultimately, the wife agreed to an amicable settlement under specific terms and conditions, which is also decided by the husband and therefore, on 13.02.2020 (after 3 years) the wife withdrew the appeal and the Court affirmed the decree of divorce passed by the Trial Court, however, adding the terms of settlement in the judgment arrived at the High Court between the parties. In the said case (supra), it is evident that the parties have wasted 7 (seven) valuable years of their lives. They ran from *pillar to post* but were unable to achieve the desired result. The parties ultimately resorted to ADR and settled their score. Now they are, perhaps, living happily, at least without any estranged feelings for each other. This is just one instance. There are many hundreds of thousands of cases that are either languishing in Court, waiting for adjudication, or have been settled through ADR after being transferred from one Court to another for years.

In most cases of matrimonial disputes, the marriage reaches a point where it is found to be 'beyond repair'. The parties have been living separately for years. They forgot when they last lived together as husband and wife. The ethos of a marital life had been lost in an unknown horizon. Thus, the expert called it 'an irretrievable breakdown of marriage'. After this point, a forceful order to reunite the parties is illegal and violates the parties' fundamental rights. But

<sup>10</sup> F. C. (Civil) No. 582/2012, (*names of the parties have been changed for confidentiality*), passed by Principal Judge, Family Court-II, Kamrup (Metro), at Guwahati.

<sup>11</sup> 2020 SCC OnLine Gau 547, AIR 2020 Gau 52.



irony is, the Trial Court cannot grant a decree of divorce on the ground of “irretrievable breakdown of marriage”. It falls within the exclusive domain of the Supreme Court, which can exercise its powers under Article 142 of the Constitution of India.

In the above backdrop, it can be said that resolving matrimonial disputes through present-day judicial proceedings may be viable or practical for those with sufficient financial means and time. However, for those who cannot afford the time, money, and energy required, ADR is the best method to resolve matrimonial disputes. While arriving at an amicable settlement in such ADR, one should not hesitate to sacrifice wealth, the pain and agony they suffered during their marital life, and, on top of everything else, the parties need to sacrifice their extraordinary egos and egocentric perceptions of life.

## **V. Conclusion:**

Matrimonial disputes demand more than legal adjudication—they require emotional intelligence, cultural sensitivity, and procedural efficiency. While the Family Courts Act, 1984, provides a progressive framework, its implementation remains uneven. ADR offers a promising path, but only if supported by institutional will and public trust. Justice in family law must be swift, humane, and restorative—not merely legalistic. The courts must evolve from being passive arbiters to active facilitators of resolution, ensuring that the law serves not just the letter but the spirit of justice.

## **References:**

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9. *This case has been shown in the Disposal List of Criminal Cases, but in the Column “Disposal Type”, it is mentioned as “Divorce Granted.” It is not understood that, in an F.C. (Criminal) Case, how divorce can be granted.*
10. F. C. (Civil) No. 582/2012, (names of the parties have been changed for confidentiality), passed by Principal Judge, Family Court-II, Kamrup (Metro), at Guwahati.
11. 2020 SCC OnLine Gau 547, AIR 2020 Gau 52.
12. 2014 SCC OnLine Gau 387, (2014) 4 Gau LR 56, AIR 2014 Gau 96.



13. AIR 1983 AP 356
14. (1984) 4 SCC 90 at page 98

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