

# THE BURDEN OF A FAMILY COURT

Relevant for: Developmental Issues | Topic: Government policies & interventions for development in various Sectors and issues arising out of their design & implementation incl. Housing

To enjoy additional benefits

CONNECT WITH US

March 24, 2023 12:15 am | Updated 02:03 am IST

COMMENTS

SHARE

READ LATER

The family court complex in Mumbai. Photo: [districts.ecourts.gov.in](http://districts.ecourts.gov.in)

As a court reporter, I often visit the only family court in Mumbai for stories. As you can imagine, it receives a lot of divorce applications. The most common grounds for divorce are domestic violence, adultery, and dowry. But sometimes, sifting through these depressing cases, one can also find more absurd factors that end a marriage. Once, a man sought a divorce claiming that his wife was a spendthrift. His lawyer said that his client's wife had spent 6 lakh to lose weight, but had failed in her efforts. The man, who had fallen in love with her and married her 14 years earlier, had had enough and sought a divorce. Marriages may be made in heaven, but they are broken on earth.

Judges in family courts hear not just cases of divorce, but also of maintenance, child custody and alimony. They are mandated to first suggest counselling to unhappy couples who want to end their marriage. On any given day, around 50 litigants come to the family court. One day, there were tens of people milling around as usual, impatiently waiting for the judge to enter court and start hearing their cases. About three hours later, a Bollywood actor with her actor brother-in-law came out of the judge's chamber. The judge had passed the divorce decree (order) which had been pending for a few days, while the cases of some of those waiting outside were pending for months or even years. As the Supreme Court itself once remarked, there are two 'parallel systems' of justice in India — one for the influential and one for the rest.

The court is also where one sees heightened emotions: anger, blame, heartbreak, relief, joy. Estranged parents meet at the children's complex. While one of them is given custody of the child, the other gets visitation rights only in the court premises. One day, once COVID-19 cases reduced considerably, I saw the joy of a four-year-old daughter as she let go of her mother's hand and ran towards her father who she hadn't seen for nearly two years because of the pandemic. During the lockdown, the number of pleas filed by non-custodians to see their children via video calls increased. While technology was no substitute for physical time spent with loved ones, non-custodians simply had no other access.

And in the midst of drama, there is also empathy. Last week, the Bombay High Court judge inaugurated a lactation room at the Bandra family court. Swati Chauhan, principal judge at the family court, whose idea this was, said many women came to the court with their infants. Away from their messy child custody crossfires and divorce duals, these women needed to feed their children. The room would serve as a refuge for them, she said.

Recently, Maharashtra Deputy Chief Minister Devendra Fadnavis said that over 5,000 divorce cases are pending in the family court in Mumbai. While there are cases before the family courts with serious complications, there are also many cases where couples refuse to let go of their grudges and file frivolous applications and counter-applications. This then leads to an increase in litigation and consequently adds to the pendency of cases. No one benefits from this approach; children especially suffer. But judges are unable to do anything in such cases.

Family courts were constituted to provide a forum for speedy settlement of family-related disputes. The emphasis is on a non-adversarial method of resolving conflicts and promoting conciliation. While the seven judges at the family court strive to do this, they are not enough. The family court needs more judges. Mr. Fadnavis has promised that 14 additional family courts will be set up in Mumbai, along with one each in Thane and Navi Mumbai. This is a welcome, much-needed move.

sonam.saigal@thehindu.co.in

COMMENTS

SHARE

[marriage](#) / [court administration](#) / [Mumbai](#) / [judge](#)

BACK TO TOP

Comments have to be in English, and in full sentences. They cannot be abusive or personal. Please abide by our [community guidelines](#) for posting your comments.

We have migrated to a new commenting platform. If you are already a registered user of The Hindu and logged in, you may continue to engage with our articles. If you do not have an account please register and login to post comments. Users can access their older comments by logging into their accounts on Vuukle.

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com