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Husband can seek divorce if wife aborts without his consent

7 Nov 2008, 2158 hrs IST, PTI

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NEW DELHI: A woman's act of undergoing abortion to terminate a pregnancy without the consent of her spouse amounts to mental cruelty and her husband is entitled to seek [divorce](#) on this ground, the Supreme Court has ruled in an important ruling.

The apex court upheld the plea of one Sudhir Kapur that he was entitled to seek divorce under the Hindu Marriages Act, as his wife Suman Kapur had undergone three abortions without his consent.

Sudhir claimed that his wife resorted to the abortions as she was more interested in pursuing her career in the

US rather than bringing up a family.

He further claimed that Suman constantly insulted his parents and other [family members](#).

A matrimonial court granted divorce to Sudhir on the basis that the charges had been established. The woman moved the Delhi High Court which confirmed the findings of the matrimonial court following which Suman, filed the appeal in the apex court.

The apex court after perusing the records and citing a number of judicial rulings said that the actions of Suman amounted to mental cruelty and her husband was entitled to a decree of divorce.

However, since Sudhir married another woman during the pendency of the appeal, the apex court directed him to pay a compensation of Rs 5 lakh to Suman.

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