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GAHC010207722026

2026:GAU-AS:16743-DB

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : CRP(IO)/500/2026

[redacted]

VERSUS

[redacted]

Advocate for the Petitioner : MR A K RAI, MR B YADAV,MS M DAS

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA
HONOURABLE MR. JUSTICE SANJEEV KUMAR SHARMA

ORDER

Date : 13/11/2026
(Michael Zothankhuma, J)

1. Heard Mr. A. K. Rai, learned counsel for the petitioner.

2. The petitioner has filed the present petition under Article 227 of the Constitution of India, for issuance of an appropriate writ for setting aside the impugned order dated 02.08.2025 and impugned order dated 12.06.2026 passed by the learned Principal Judge, Family Court -II, Kamrup (M), Guwahati in F.C. (Civil) Case

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No. 826/2024.

3. The petitioner's case is that the petitioner and the respondent-wife married on 15.07.2021. However, the petitioner did not have a copy of the marriage certificate between himself and the respondent-wife. That the petitioner came to learn sometime in December, 2022 that the respondent was suffering from epilepsy and was under constant medical attention. The respondent had gone for treatment to Kochi and due to her epilepsy, she behaved very badly with him, which amounted to mental cruelty.

4. The petitioner thereafter submitted an application under Section 13(1)(ia) and 13(1)(iii) of the Hindu Marriage Act, 1955 (*hereinafter referred to as "the Act"*), which was registered as F.C. (Civil) Case No. 826/2024, seeking dissolution of marriage between the parties by a decree of divorce, which is still pending before the learned Principal Judge, Family Court -II, Kamrup (M), Guwahati.

5. The petitioner's counsel submits that the respondent had submitted her written statement and the stage of the case in the learned Family Court is in the evidence stage. The petitioner's counsel submits that on coming to know that the respondent was suffering from epilepsy and was under constant medical attention, the complete medical documents pertaining to the illness and treatment of the respondent were required, to enable the petitioner to lead appropriate evidence in support of his case for divorce, to prove mental cruelty and also to prove that the respondent- wife was having a mental disorder.

6. The petitioner's counsel submits that though the petitioner had filed a petition praying for a direction to produce the original marriage certificate as well as the medical documents pertaining to the epilepsy suffered by the respondent, the learned Family Court, vide the impugned order dated 12.06.2026, had rejected the Petition No. 2034/2025 of the petitioner.

7. The counsel for the petitioner submits that as the petition for submission of

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the original medical documents of the respondent has been rejected by the learned Family Court, this Court should set aside the orders dated 02.08.2025 and 12.06.2026.

8. We have heard the learned counsels for the parties.

9. Section 13(1)(ia) and 13(1)(iii) of the Act is reproduced herein below as follows:-

> "***Section 13(1)*** *: Any marriage solemnised, whether before or after the commencement of this Act, may, on a petition presented by either the husband or the wife, be dissolved by a decree of divorce on the ground that the other party*
>
> ***13(1)(ia)*** *- has, after the solemnisation of the marriage, treated the petitioner with cruelty;*
>
> ***Section 13(1)(iii)-*** *has been incurably of unsound mind, or has been suffering continuously or intermittently from mental disorder of such a kind and to such an extent that the petitioner cannot reasonably be expected to live with the respondent."*

10. The impugned order dated 02.08.2025 and 12.06.2026 passed by the learned Family Court are reproduced herein below as follows:-

> *"**02.08.2025**: Both the Parties are present. The Petitioner vide Petition No.1250/25 prayed to direct the Respondent to produce the original Marriage Certificate.*
>
> *Respondent is directed to submit the original Marriage Certificate on the next date positively.*
>
> *Fixed 01.11.2025 for evidence of the Petitioner."*
>
> *"**12.06.2026***
>
> *Both parties are present.*
>
> *The respondent has produced the original marriage certificate and the same be kept with the case record.*

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I have also heard both parties on petition no. 2034/2025 whereby the petitioner prayed for passing necessary direction to the respondent for submission of original document of the respondent.

I have heard submission of the both parties and also gone through the record.

The petitioner also submitted medical documents of the respondent.

Calling for the original documents at this stage will not be required.

The evidence of the parties are yet to be recorded.

The petitioner has right to call up any person under whom the respondent was undergoing treatment.

Rejecting the petition will not prejudice the petitioner in any manner; hence, the petition no. 2034/25 is rejected.

The case is ready for hearing.

The petitioner is directed to submit his evidence on the next date fixed.

Fix 27.07.2026 for evidence of the petitioner."

11. A perusal of the impugned order dated 02.08.2025 shows that the learned Family Court had passed an order in terms of the prayer made by the petitioner herein and in terms of the order dated 12.06.2026, the respondent has produced the original marriage certificate. As such, there is no reason for the petitioner to have challenged the order dated 02.08.2025.

12. With regard to the impugned order dated 12.06.2026, it is seen that the petitioner had submitted the medical documents of the respondent and as such, calling for the original documents was not required at that stage. This Court does not find any infirmity with the impugned order dated 12.06.2026 passed by the learned Family Court, when the petitioner has photocopies of the same.

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13. The above being said, the fact remains that epilepsy is a neurological disorder. It is not a mental or psychopathic disorder. It should also be noted that just because a person has epilepsy does not mean that the person is cruel. Cruelty and mental cruelty would have to be decided on the basis of specific instances to be proved by the person making the allegation, against the person who committed acts of cruelty. As such, when the petitioner has got the photocopies of the medical documents of the respondent and as the learned Family Court has held that the petitioner has the right to call any person under whom the respondent was undergoing treatment, this Court does not find any reason to interfere with the impugned order dated 12.06.2026, as no prejudice can be said to be caused to the petitioner, unless he takes a stand that the contents of the medical documents he has in his possession were false.

14. It should also be noted that no case has been brought out by the petitioner, to the effect that the learned Family Court had passed the impugned order dated 12.06.2026, in excess of it's jurisdiction. As such, there is no reason for issuing any writ under Article 227 of the Constitution of India, for setting aside the impugned order dated 12.06.2026. Further, the impugned order dated 12.06.2026 has not rejected the prayer of the petitioner, for directing the respondent to submit the original medical documents at present. The learned Family Court has only held that calling for the original documents was not required at this stage. We do not find any reason to come to a different view. As such, we do not find any ground to interfere with the impugned order dated 12.06.2026.

15. The revision petition is accordingly dismissed.

JUDGE **JUDGE**

Comparing Assistant