

# l) preponderance of probabilities in civil law



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i) The standards of proof of cruelty are higher in degree in criminal law than in civil law under the matrimonial causes; ii) The intention or mens rea on the part of one spouse to injure the other is not a necessary element of cruelty in civil law for matrimonial causes while it is an essential element in criminal law; iii) It is enough if cruelty is proved by preponderance of probabilities in civil law while in criminal trials the conduct of cruelty has to be proved beyond all reasonable doubts; iv) It is immaterial in civil law whether the respondent's conduct was aimed at the other spouse or is due to unwarranted indifference attributable, perhaps, to selfishness or laziness, while it is very much material in Criminal Proceedings; and v) For the relief of matrimonial causes in civil law the conduct of the spouse need not necessarily result in a danger of life, limb or health, but a reasonable apprehension of such a danger is enough, whereas Section 498-A, IPC, contemplates such a conduct besides being 'wilful' to result in the likelihood of driving the woman to commit suicide or to cause grave injury or danger to life, limb or health.