

#### DIVORCE UNDER HINDU LAW,

Hindus, Sikhs and Jains are governed by Hindu Marriage Act 1955, if either of them found that they can not continue the marital relationship with the other and their marital life has irretrievably broken down they can file a petition for divorce under the following

#### GROUND FOR DIVORCE

A petition for divorce may be presented by either the husband or wife for dissolving the marriage on the following grounds:

That the other party

1. has after the marriage had voluntary sexual intercourse with any other person; or
2. has after the marriage treated the petitioner with cruelty
3. has deserted the petitioner for a continuous period of not less than two years immediately preceding the presentation of the petition,
4. has ceased to be a Hindu by conversion to another religion,
5. has been incurably of unsound mind or has been continuously or intermittently from a mental disorder that the petitioner cannot reasonably be expected to live with such a person,
6. has been suffering from a virulent and incurable form of leprosy,
7. has been suffering from venereal disease in a communicable form
8. has renounced the world by entering any religious order.
9. Has not been heard of as being alive for a period of seven years or more by persons who would have naturally heard of it, had that party been alive.

#### ADDITIONAL GROUND FOR DIVORCE BY A WIFE

In addition to the grounds stated above a wife may also present a petition for the dissolution of her marriage on the following grounds.

1. Where the marriage was solemnized before the commencement of this Act, and the husband had married again before such commencement or that any other wife of the husband whom he had married before such commencement was alive at the time of the marriage. (In such a case its necessary that the other wife is alive at the time of presentation of the petition).
2. That the husband has after the marriage been guilty of rape, sodomy or bestiality.
3. That her marriage whether consummated or not was solemnized before she attained the age of 15 years and she has repudiated the marriage after attaining that age but before attaining the age of 18 years.

WITHIN ONE YEAR OF MARRIAGE, NO PETITION FOR DIVORCE CAN BE FILED BY EITHER PARTY.

#### FILING OF PETITION

Every petition shall be present to the District Court within the jurisdiction of which

1. The marriage was solemnized.
2. The other party at the time of presentation of the petition resides; or
3. The parties to the marriage last resided;
4. Where the petitioner is residing at the time of presentation of the petition in case the other party is residing outside the territories to which the Act extends or has not been heard of as being alive for a period of seven years or more.

#### DIVORCE BY WAY OF MUTUAL CONSENT,

The law of this land stipulates that if both the husband and wife wish to separate themselves from the bond of their marriage, they can do so by mutual consent, as it is easy now as the parliament as per the latest amendment waived of the waiting period of six months. Divorce through mutual consent is quite advantageous as it saves both time, energy money and it avoids the parties undergoing trauma, agony and stress of trial.

BY

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