

Matrimonial Remedies

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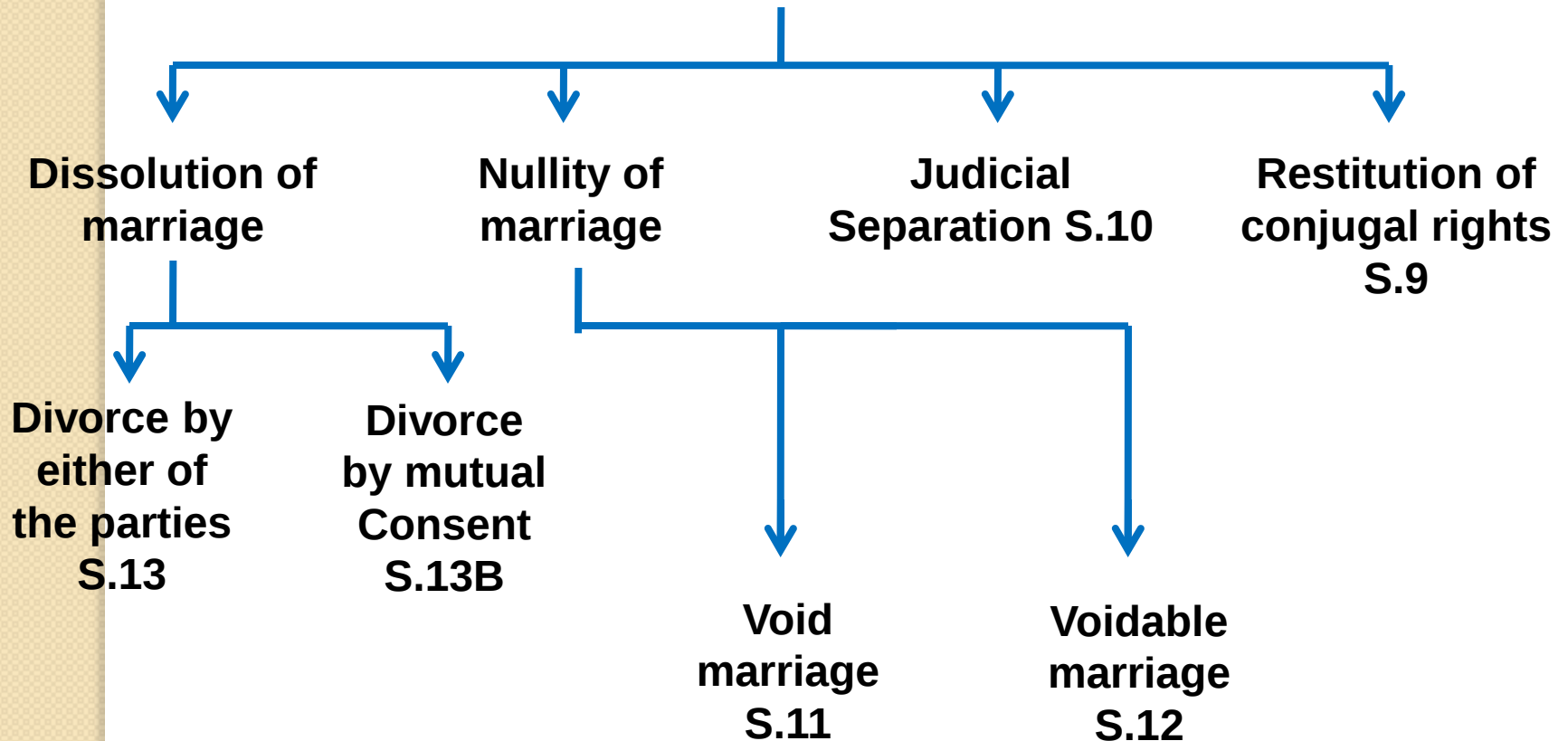
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Matrimonial Remedies

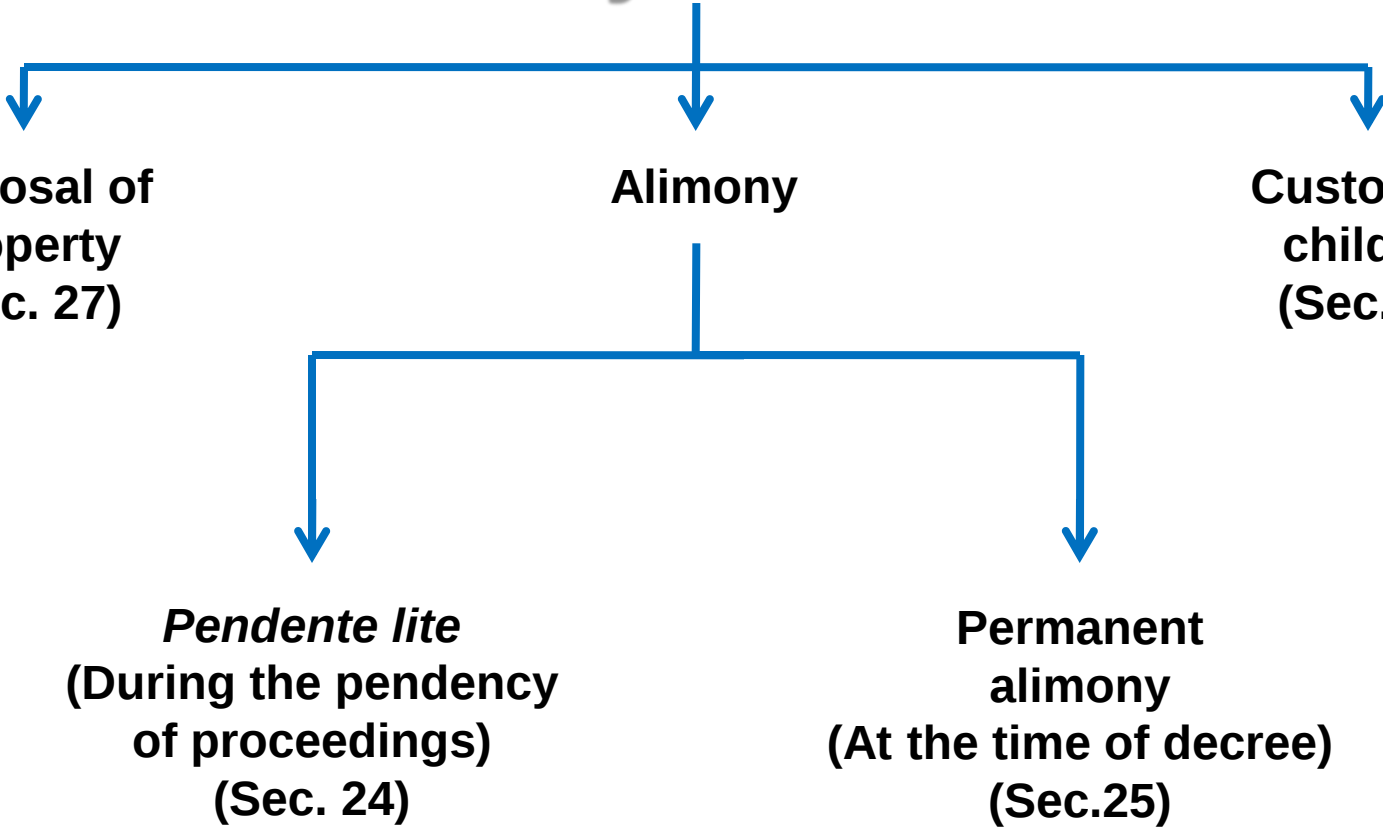
- Hindu Marriage Act, 1955
- Shariat customary law
- Dissolution of Muslim Marriage Act, 1939
- Indian Divorce Act, 1869
- Parsi Marriage & Divorce Act, 1939
- Special Marriage Act, 1954

Hindu Marriage Act, 1955

Matrimonial Remedies



Ancillary Remedies



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graph TD; A[Ancillary Remedies] --> B[Disposal of property (Sec. 27)]; A --> C[Alimony]; A --> D[Custody of children (Sec. 26)]; C --> E["Pendente lite (During the pendency of proceedings) (Sec. 24)"]; C --> F["Permanent alimony (At the time of decree) (Sec. 25)"];
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**Disposal of
property
(Sec. 27)**

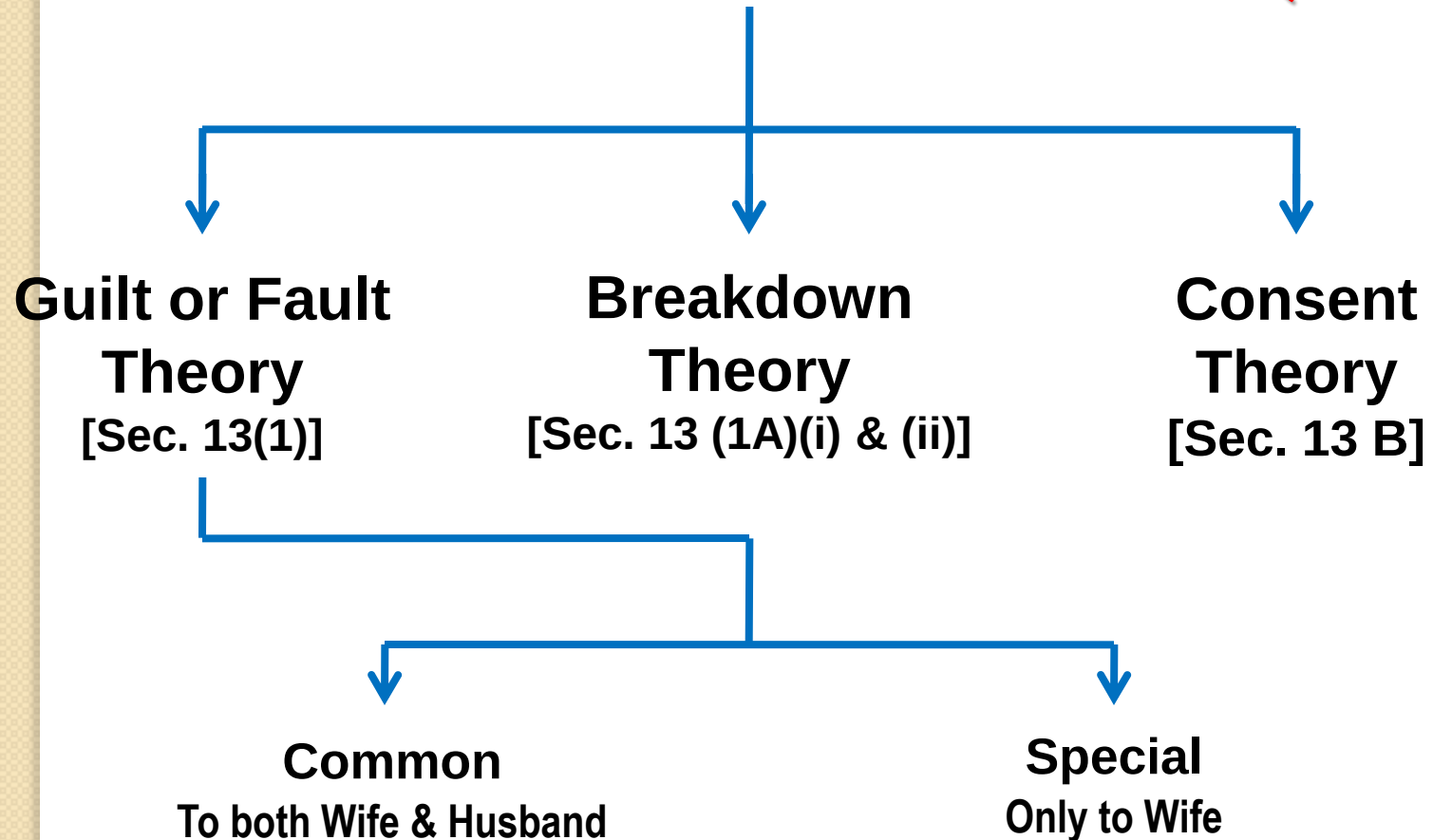
Alimony

**Custody of
children
(Sec. 26)**

***Pendente lite*
(During the pendency
of proceedings)
(Sec. 24)**

**Permanent
alimony
(At the time of decree)
(Sec. 25)**

Classification of Grounds for Divorce (Sec. 13)



Classification of grounds for divorce :
Guilt or Fault Theory [Sec. 13(1)]



Common to both Wife and Husband

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- A blue horizontal line branches from the text 'Common to both Wife and Husband' to a list of eight grounds for divorce, labeled A through H.
- A. Adultery
 - B. Cruelty
 - C. Desertion
 - D. Conversion
 - E. Unsoundness & mental disorder
 - F. Communicable disease
 - G. Renounced the world
 - H. Unheard of for seven years

Classification of grounds for Divorce : Guilt or Fault Theory [Sec. 13(1)]



Special only to wife



- (i) Bigamy
- (ii) Rape, Sodomy, Bestiality
- (iii) Failed to obey Maintenance decree
- (iv) Repudiation of marriage

Classification of Grounds for divorce :

Break down Theory [Sec. 13 (1A)(i) & (ii)]



Common to both Wife and Husband



- (i) No resumption of cohabitation for a period of one year or more after passing a decree of judicial separation u/s. 10
- (ii) No restitution of conjugal rights for a period of one year or more after passing a decree for restitution of conjugal rights u/s. 9

Classification of grounds for divorce :
Consent Theory [Sec. 13 (1A)(i) & (ii)]

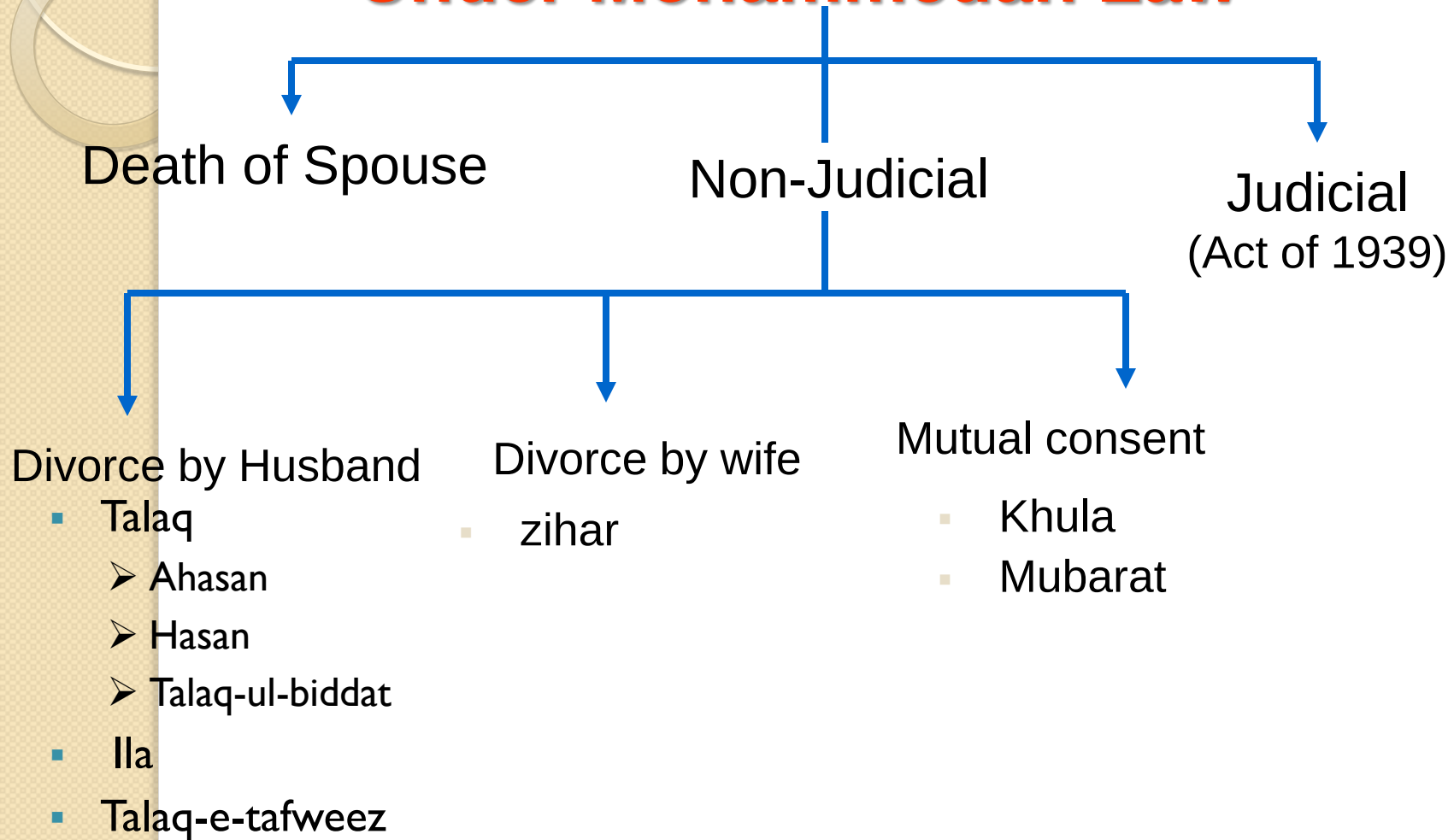


Common to both Wife and Husband



- (1) Mutual consent of husband and wife for divorce
- (2) They have been living separately for a period of one year
- (3) Mutually agreed to live separately
- (4) Both parties should move a petition for divorce jointly not earlier than 6 months and not later than 18 months

Dissolution of Marriage Under Mohammedan Law



Modes of Talaq

- Ahasan :It consists of single pronouncement during the period of purity
- Hasan: It consists of three successive pronouncement during three consecutive periods of purity
- Talaq-ul-biddat: Triple Talaq - Single irrevocable pronouncement

Conti...

- Ila: The husband after attaining majority swears in the name of god that he will not have sex with his wife .
- Zihar : If the husband compares his wife to any female relative ,to whom he is prohibited to marry.
- Talaq-e-tafweez : Delegation of power to any person.
- Khula : The wife offers consideration to release from marriage bond.
- Mubarat: Mutual agreement for divorce

Dissolution of Muslim Marriage Act, 1939

- Missing Husband for four years
- Failure to maintain for two years
- Imprisonment of husband for seven years
- Failure to perform marital obligations for the period of 3 years
- Impotency of the husband
- Insanity, leprosy, venereal diseases for a period of 2 years
- Option of puberty
- Legal Cruelty
- Any other ground under shariat law

Christian Law of Divorce Rationalized

- Old Section 10 replaced by new Section 10
- Fault Theory, Breakdown Theory & Consent Theory are adopted to provide equality for both men and women in case of divorce.

Special Marriage Act, 1954

- Fault Theory, Breakdown Theory & Consent Theory is legally recognized.



Thank U