



Matrimonial Remedies

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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



Major identified Family Problems

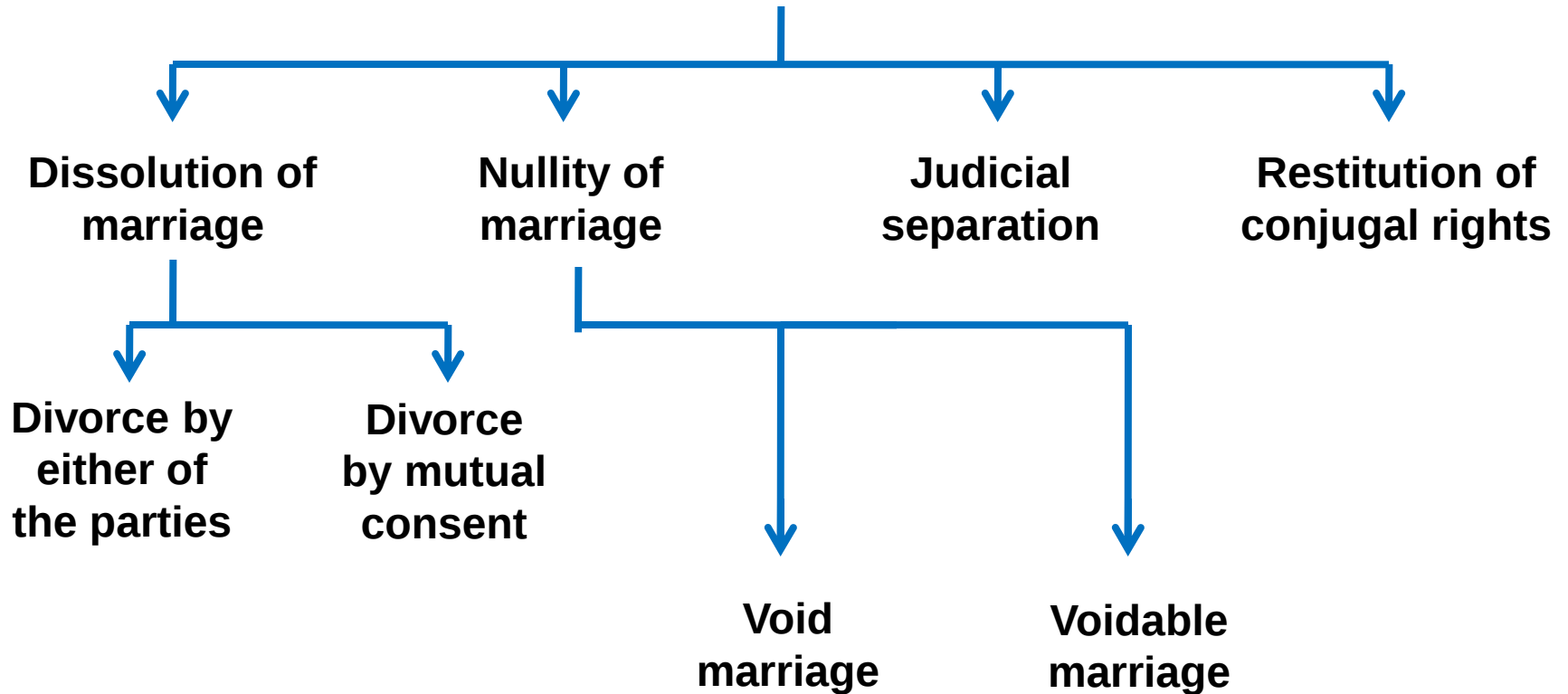
- Divorce
- Dissolution of Marriage
- Dowry
- Domestic Violence
- Child Marriages
- Custody of Children
- Extra-Marital Relations
- Problems of Non-Resident Indian Marriages
- Online Marriage Agreements
- Intra-country Marriages
- Inter-country Adoptions
- Test Tube Babies
- Surrogate Motherhood
- Guardianship
- Maternity and Paternity aspects

Causative factors of family disputes

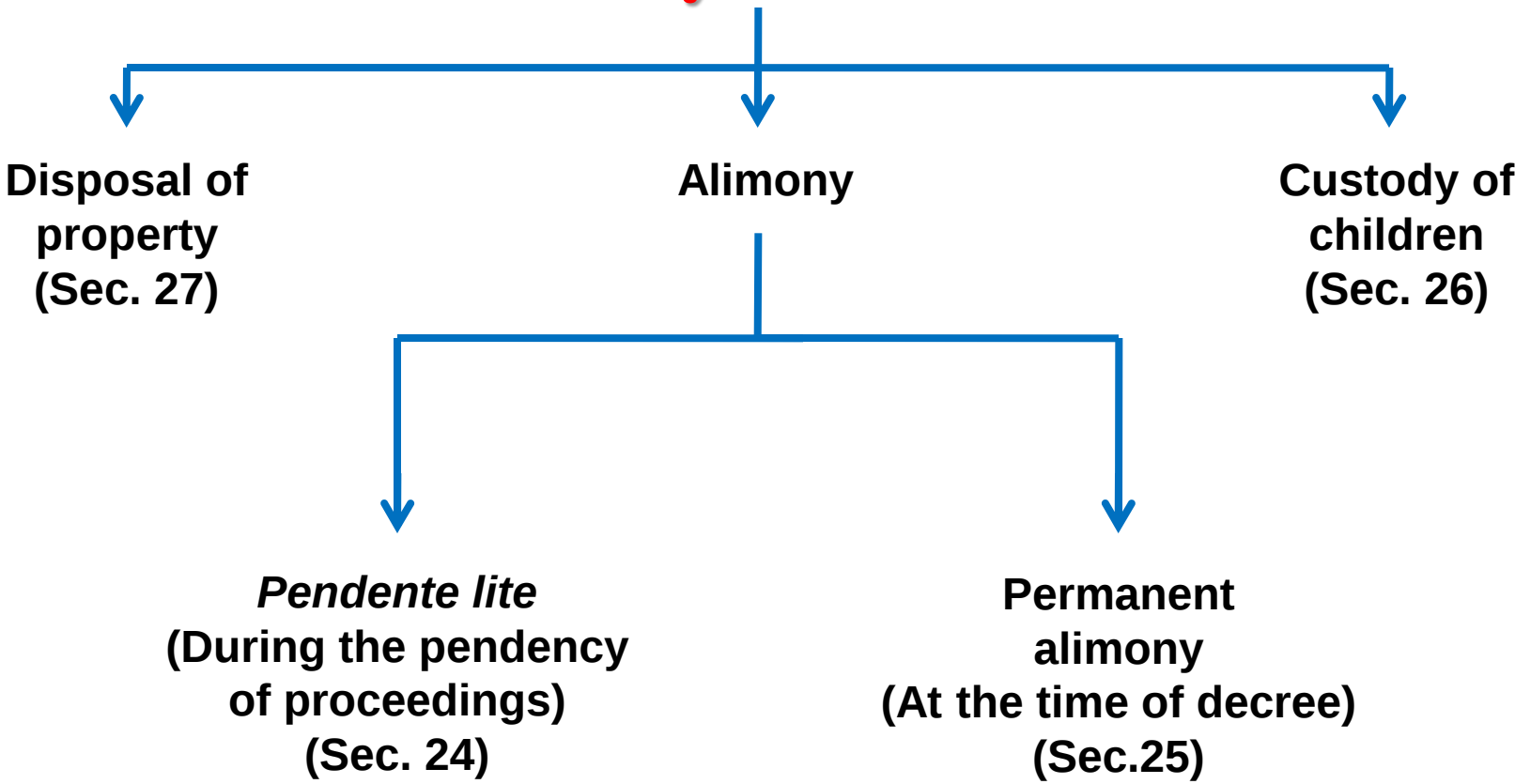
- Ego – Hate – Violence – Incompatibility – Chemical relations
- Social Factors – Caste , Denominations, Religion
- Economic Factors – Low Income, High Income, No Income
- Education – No education, High education, Lack of meaningful education
- Influence of Peer Groups and Family Members
- Psychological Factors and Physical Factors
- Male Chauvinism and Radical Feminism
- Personality Traits – Education, Beauty, Activeness, Over activeness
- Employment – Late working hours, Shift duties, working in different places

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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The diagram is a hierarchical flowchart. At the top is the title 'Ancillary Remedies' in red. A horizontal line with three downward-pointing arrows branches from this title to three categories: 'Disposal of property (Sec. 27)', 'Alimony', and 'Custody of children (Sec. 26)'. From 'Alimony', another horizontal line with two downward-pointing arrows branches to 'Pendente lite (During the pendency of proceedings) (Sec. 24)' and 'Permanent alimony (At the time of decree) (Sec. 25)'.

**Disposal of
property
(Sec. 27)**

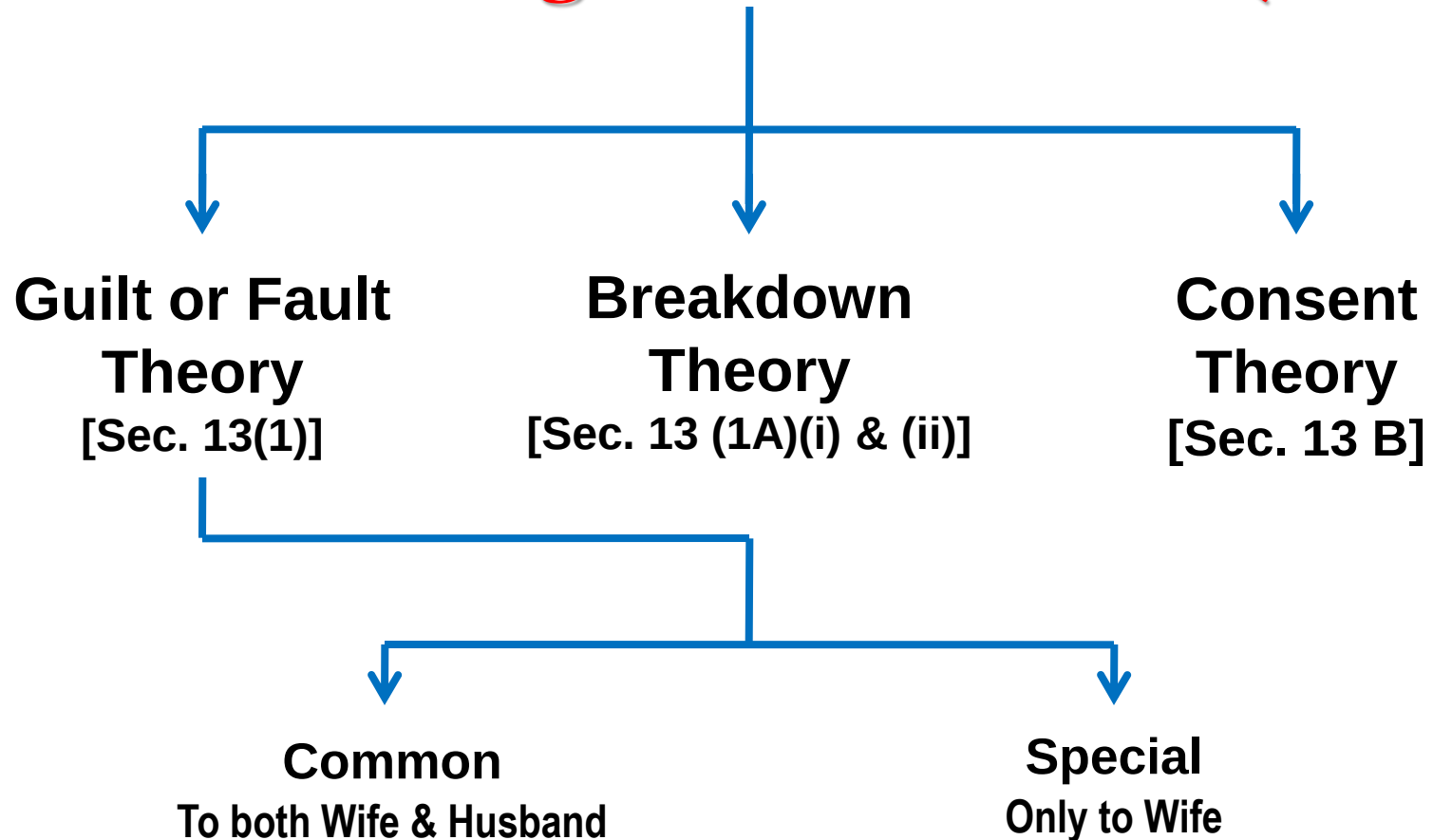
Alimony

**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

- | | |
|--|--|
| (i) Adultery | (v) Communicable disease |
| (a) Cruelty | (vi) Renounced the world |
| (b) Desertion | (vii) Unheard of for seven years |
| (ii) Conversion | (viii), (ix) omitted by Act 44/1964 |
| (iii) Unsoundness &
mental disorder | w.e.f. 20-09-1964 |
| (iv) Leprosy | <i>Remembered as Sec. 13 (1A) (i) & (ii)</i> |

Break down Theory

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



Special only to wife



- (i) Bigamy
- (ii) Rape, Sodomy, Bestiality
- (iii) Maintenance decree to wife
- (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)]

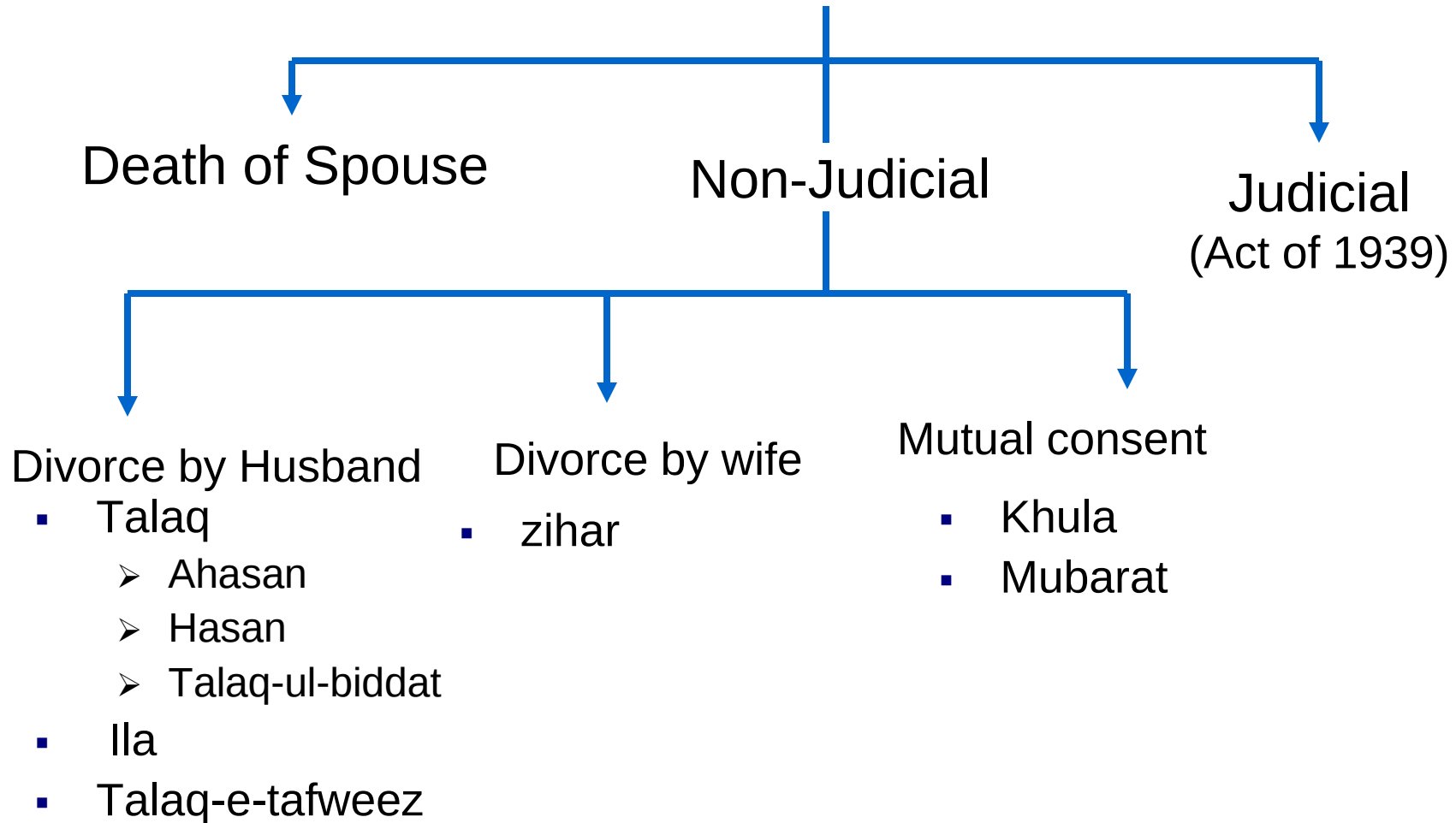


Common to both Wife and Husband



- (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



Thank u