

# Divorce Under the Hindu Marriage Act: A Comprehensive Guide



## WAYS TO CLAIM DIVORCE, PERMANENT ALIMONY AND MAINTENANCE FROM HUSBAND: DIVORCE UNDER HINDU MARRIAGE ACT

★★★★★ 5 out of 5



Divorce is the legal dissolution of a marriage. It is a difficult and stressful process, both emotionally and financially. If you are considering divorce, it is important to understand your rights and obligations under the law.

In India, divorce is governed by the Hindu Marriage Act, 1955. This Act applies to all Hindus, including Sikhs, Buddhists, and Jains. The Act provides for both judicial separation and divorce.

### Grounds for Divorce

The Hindu Marriage Act provides for nine grounds for divorce:

1. Adultery
2. Cruelty

3. Desertion
4. Conversion
5. Insanity
6. Leprosy
7. Venereal disease
8. Presumed death
9. Mutual consent

**Adultery** is sexual intercourse between a married person and someone other than their spouse. It is a ground for divorce if the petitioner can prove that the respondent has committed adultery.

**Cruelty** is any willful or reckless conduct that causes physical or mental harm to the petitioner. It can include physical abuse, emotional abuse, and neglect.

**Desertion** is the willful and continuous absence of one spouse from the other for a period of at least two years. It is a ground for divorce if the petitioner can prove that the respondent has deserted them without reasonable cause.

**Conversion** is a change of religion by one spouse. It is a ground for divorce if the petitioner can prove that the respondent has converted to a religion that is incompatible with the marriage.

**Insanity** is a mental illness that renders one spouse incapable of performing the duties of marriage. It is a ground for divorce if the petitioner

can prove that the respondent has been insane for a period of at least three years.

**Leprosy** is a chronic infectious disease that can cause severe disfigurement and disability. It is a ground for divorce if the petitioner can prove that the respondent has been suffering from leprosy for a period of at least one year.

**Venereal disease** is a sexually transmitted infection that can cause serious health problems. It is a ground for divorce if the petitioner can prove that the respondent has been suffering from a venereal disease for a period of at least one year.

**Presumed death** is when one spouse is presumed dead after being absent for a period of seven years. It is a ground for divorce if the petitioner can prove that the respondent has been presumed dead.

**Mutual consent** is when both spouses agree to divorce. It is a ground for divorce if the spouses have been living separately for a period of at least one year and have mutually agreed to divorce.

### **Procedure for Filing for Divorce**

To file for divorce, you must file a petition with the family court in the district where you or your spouse resides. The petition must state the grounds for divorce and the relief you are seeking.

Once you have filed the petition, the court will issue a notice to your spouse. Your spouse will then have 30 days to file a response to the petition.

If your spouse does not file a response, the court may grant you a divorce by default. If your spouse does file a response, the court will hold a hearing to determine whether to grant the divorce.

At the hearing, both you and your spouse will have the opportunity to present evidence and argue your case. The court will then make a decision based on the evidence presented.

## **Rights and Obligations of the Parties**

When a divorce is granted, the court will issue a divorce decree. The divorce decree will state the terms of the divorce, including the division of property, child custody, and spousal support.

The parties to a divorce have certain rights and obligations under the law. These rights and obligations include:

- The right to a fair and equitable division of property
- The right to child custody and visitation
- The right to spousal support
- The obligation to support their children

## **Legal Implications of Divorce**

Divorce has a number of legal implications. These implications include:

- The dissolution of the marriage
- The division of property
- The determination of child custody and visitation

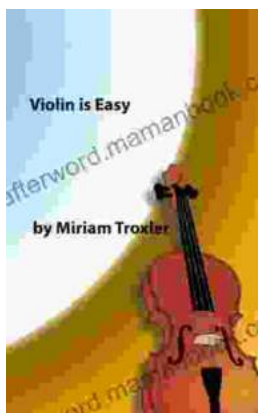
- The determination of spousal support
- The change of name

Divorce can be a difficult and stressful process, but it is important to understand your rights and obligations under the law. If you are considering divorce, it is important to speak to an attorney to discuss your options.



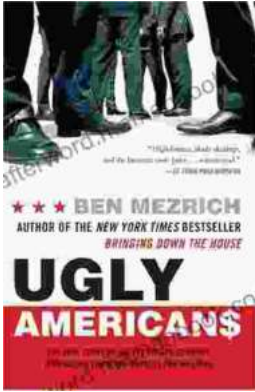
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