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Unit I: Hindu Marriage And Dissolution

Q. What should we understand?

Family Law-I (LLB 201), GGSIPU 2021 syllabus. The chapter explains Hindu marriage and the court remedies available when a marriage becomes defective or breaks down.

→ Learn the evolution and legal character of Hindu marriage.

→ Understand the five marriage conditions in Section 5 of the Hindu Marriage Act, 1955.

→ Distinguish valid, void and voidable marriages.

→ Study restitution, judicial separation, divorce and mutual-consent divorce.

→ Connect each rule to its legal section and leading judicial decision.

EXAMPLE:

Begin every problem by identifying the parties, the marriage law, the facts and the remedy requested.

REMEMBER

SECTION + FACTS + CASE LAW + CONCLUSION.

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The Meaning Of Hindu Marriage

Q. What should we understand?

Hindu marriage is historically known as vivaha and has traditionally been regarded as an important samskara, or sacrament of life.

→ Traditional understanding links marriage to family life, responsibilities and religious duties.

→ Dharma concerns duty and right conduct; grihastha describes the householder stage.

→ Marriage traditionally had a religious and social dimension beyond private agreement.

→ The Hindu Marriage Act, 1955 now defines important civil consequences and rights.

→ Religious belief or local custom cannot excuse a violation of an overriding statute.

EXAMPLE:

A religious ceremony may carry deep meaning, but the marriage must still satisfy the requirements of law.

REMEMBER

Traditional SACRAMENT and modern LEGAL INSTITUTION.

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Evolution Of The Institution

Q. What should we understand?

Over time, Hindu marriage moved from predominantly customary regulation to a codified statutory framework.

→ Classical sources, regional customs and community practice historically shaped marriage rules.

→ Social reform movements challenged child marriage and other discriminatory practices.

→ Legislation expanded recognition of legal rights in family relationships.

→ The Hindu Marriage Act was enacted in 1955 to codify and reform marriage law.

→ Modern principles of equality, dignity and personal choice influence interpretation.

EXAMPLE:

A community tradition does not permit a second subsisting marriage contrary to Section 5(i).

REMEMBER

CUSTOM → SOCIAL REFORM → STATUTORY LAW.

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Classical Forms Of Marriage

Q. What should we understand?

Eight classical forms of Hindu marriage are discussed in traditional literature. This is a historical study, not a modern permission list.

→ Brahma, Daiva, Arsha and Prajapatya are four classical forms traditionally described as approved.

→ Asura, Gandharva, Rakshasa and Paishacha are the other four traditional classifications.

→ Gandharva is associated historically with mutual attraction.

→ Forms involving coercion or sexual violation are not acceptable under modern law.

→ The legality of a marriage today depends on applicable legislation and lawful rites.

EXAMPLE:

An examination may require the eight names, followed by an explanation of statutory validity today.

REMEMBER

HISTORICAL CLASSIFICATION does not override current legal safeguards.

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The Hindu Marriage Act, 1955

Q. What should we understand?

The Hindu Marriage Act codifies and reforms marriage law for persons within its application provisions.

→ Section 2 identifies persons to whom the statute applies.

→ Section 5 provides conditions for solemnising a Hindu marriage.

→ Section 7 addresses necessary rites and Section 8 registration.

→ Sections 9 and 10 concern restitution and judicial separation.

→ Sections 11, 12, 13 and 13B regulate nullity, annulment and divorce.

EXAMPLE:

If one spouse has a living husband or wife already, start with Sections 5(i) and 11.

REMEMBER

Learn the SECTION MAP before memorising cases.

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Application Of Hindu Marriage Law

Q. What should we understand ?

Section 2 specifies the broad religious and personal scope of the Hindu Marriage Act.

→ It applies to Hindus by religion, including specified reform traditions.

→ The Act also covers Buddhists, Jains and Sikhs through its application provisions.

→ Certain other persons fall within its text subject to the statutory conditions.

→ Scheduled Tribes within Article 366(25) are ordinarily outside the Act unless otherwise directed by the Central Government.

→ Decide applicability before examining ceremony or grounds for divorce.

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EXAMPLE:

An exam problem may involve parties from different communities; do not apply the statute without checking.

REMEMBER.

First ask WHO is governed by the Act.

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Section 5: Five Conditions

Q. What should we understand?

Section 5 specifies five principal conditions for the solemnisation of a Hindu marriage.

→ Section 5(i): neither party has a spouse living at marriage.

→ Section 5(ii): statutory mental capacity and ability to consent are required.

→ Section 5(iii): bridegroom must have completed 21 years and bride 18 years.

→ Section 5(iv): parties cannot be within prohibited relationship, subject to valid custom.

→ Section 5(v): parties cannot be sapindas, subject to a valid custom exception.

EXAMPLE:

The consequences of breaching each condition differ: not every breach produces Section 11 nullity.

REMEMBER

MONOGAMY + CAPACITY + AGE + RELATIONSHIP + SAPINDA.

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Monogamy: Section 5(I)

Q. What should we understand?

The first marriage condition prohibits solemnising a Hindu marriage while a legally subsisting spouse is alive.

→ Physical separation does not amount to a divorce.

→ The first marriage must have lawfully ended before remarriage.

→ Breach of Section 5(i) may create a void-marriage issue under Section 11.

→ A criminal allegation of bigamy requires additional proof of its legal elements.

→ Conversion alone does not automatically dissolve a Hindu marriage.

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EXAMPLE:

A husband who simply moves out cannot marry a second partner while the first marriage remains in force.

REMEMBER

LIVING SPOUSE + SUBSISTING MARRIAGE = legal bar.

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Mental Capacity: Section 5 (Ii)

Q. What should we understand?

Legal consent and certain statutory conditions relating to mental capacity are addressed by Section 5 (ii).

→ Consider whether a party can give valid consent because of unsoundness of mind.

→ The provision also describes mental disorder of a legally specified nature or extent.

→ It separately refers to recurrent attacks of insanity in the statutory text.

→ Medical labels alone do not answer the legal question without evidence.

→ Contravention is relevant to annulment under Section 12 (1)(b), not ordinary Section 11 nullity.

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EXAMPLE:

A court needs relevant evidence about the condition at marriage and the statutory test.

REMEMBER

CAPACITY is a specific fact-based legal inquiry.

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Age Condition And Child Marriage

Q. What should we understand ?

Section 5(iii) of the Hindu Marriage Act states 21 years for the bridegroom and 18 years for the bride.

→ A breach of the age comdition does not automatically fall under Section 11 void marriages.

→ The Prohibition of Child Marriage Act, 2006 also has to be examined.

→ Its Section 3 generally makes a child marriage voidable at the option of the child party, subject to its provisions.

→ Certain coercive or trafficking circumstances can make a marriage void under Section 12 of the 2006 Act.

→ Facts, age proof and statutory timing are crucial.

EXAMPLE :

An under-age marriage problem needs both statutes, not the simplistic answer 'automatically void'.

REMEMBER

AGE RULE and LEGAL CONSEQUENCE are two separate questions.

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Prohibited Relationships

Q. What should we understand?

Section 5(iv) restricts marriage within degrees of prohibited relationship defined in Section 3(g).

→ The definition includes specified close lineal and collateral relationships.

→ The rule generally protects against marriage within legally restricted close family lines.

→ An established valid custom or usage may permit a relationship otherwise restricted.

→ Custom must be shown, not merely asserted, by the party relying on it.

→ Without an applicable exception, breach may make marriage void under Section 11.

EXAMPLE:

A family tree helps to decide whether the parties fall within prohibited degrees.

REMEMBER

Read Section 3(g) with Section 5(iv) and Section 11.

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Sapinda Relationship

Q. What should we understand?

Sections 3(f) and 5(v) regulate marriage between persons who are sapindas of each other.

→ The maternal line is counted to the third generation.

→ The paternal line is counted to the fifth generation.

→ The person whose relationship is considered is the first generation in the count.

→ Persons sharing qualifying common ancestors may be within the restriction.

→ A legally established custom can allow an otherwise restricted marriage.

EXAMPLE:

Draw both maternal and paternal lines before answering a family-tree problem.

REMEMBER

MATERNAL 3; PATERNAL 5; person counted as 1.

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Section 7: Hindu Marriage Ceremonies

Q. What should we understand?

The Act recognises solemnisation according to the customary rites and ceremonies of either party.

→ Not all Hindu communities follow identical rites.

→ Essential ceremonies under the applicable custom must be performed.

→ Where saptapadi is one of those rites, the seventh step completes the marriage under Section 7(2).

→ Witnesses, photographs and other proof may help establish solemnisation.

→ A social gathering alone cannot replace a legally required ceremony.

EXAMPLE:

If the wedding used a community custom, state and prove the customary marriage rites.

REMEMBER

SOLEMNISATION means legally sufficient rites occurred.

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Registration: Section 8

Q. What should we understand?

Registration provides useful evidence of marriage, but registration and solemnisation are distinct matters.

→ States may prescribe registration rules and methods.

→ A certificate is important proof in a dispute about marriage.

→ Section 8(5) provides that failure to register does not affect validity of an otherwise valid Hindu marriage.

→ Registration cannot transform a legally invalid marriage into a valid one.

→ Seema v Ashwani Kumar (2006) emphasised the importance of registration of marriages.

EXAMPLE:

Keep the registration certificate together with records of the ceremony and witnesses.

REMEMBER

REGISTRATION is evidence, not a cure for invalidity.

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Bhaurao Shankar Lokhande Case

Q. What should we understand?

Bhaurao Shankar Lokhande v State of Maharashtra, AIR 1965 SC 1564, is a leading decision on solemnisation.

→ The case arose in the context of an alleged second Hindu marriage and criminal liability.

→ The Supreme Court examined the importance of performance of essential rites.

→ The second marriage had to be shown as duly solemnised under the law.

→ Mere admission or a description as 'married' does not prove every required ceremony.

→ The criminal charge requires proof of the legal elements.

EXAMPLE:

In a bigamy problem, examine the validity and proof of the alleged second ceremony.

REMEMBER.

LOKHANDE → essential marriage CEREMONIES must be proved.

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Family Law-I Unit I (16 / 40)

Void Marriage: Section 11

Q. What should we understand?

Section 11 identifies marriages void because they contravene particular provisions of Section 5.

→ The relevant provisions are Sections 5(i), 5(iv) and 5(v).

→ They concern living spouse, prohibited relationship and sapinda restrictions.

→ Parties may seek a decree declaring nullity.

→ Do not confuse void marriages with all legally defective relationships.

→ Children and financial consequences raise further issues under other provisions.

EXAMPLE:

A purported second wedding while a prior marriage exists is a Section 11 issue.

REMEMBER

VOID: 5(i), 5(iv), 5(v).

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Voidable Marriage: Section 12

Q. What should we understand?

A voidable Hindu marriage remains legally operative unless a court annuls it on a statutory ground.

→ Section 12(1)(a): non-consummation owing to respondent's impotence.

→ Section 12(1)(b): contravention of Section 5(ii) mental-capacity requirements.

→ Section 12(1)(c): consent obtained through specified force or fraud.

→ Section 12(1)(d): respondent pregnant by another person at marriage.

→ Section 12(2) imposes certain time and other restrictions on relevant petitions.

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EXAMPLE:

A person alleging legally material fraud seeks annulment, not an automatic declaration that no marriage ever existed.

REMEMBER

VOIDABLE marriage requires a court DECREE.

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Fraud And Force In Consent

Q. What should we understand?

Section 12(1)(c) addresses force or fraud connected to marriage consent in the manner specified by law.

→ The statutory provision addresses fraud as to the nature of the ceremony or a material fact concerning the respondent.

→ Not every exaggeration or ordinary disappointment is legally sufficient fraud.

→ Timing restrictions under Section 12(2)(a) must be considered.

→ Voluntary marital cohabitation after discovery may affect the remedy.

→ Evidence must connect the allegation to the statutory ground.

EXAMPLE:

Prompt legal advice matters when force or material fraud is discovered after marriage.

REMEMBER

ALLEGATION + EVIDENCE + TIME LIMIT + CONDUCT.

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Children Of Void Or Annulled Marriages

Q. What should we understand ?

Section 16 provides protection for legitimacy of children in circumstances involving void and annulled voidable marriages.

→ Section 16(1) deals with children of Section 11 void marriages.

→ Section 16(2) addresses children conceived or begotten before a decree annulling a voidable marriage.

→ These provisions reduce harm to children from parents' matrimonial defects.

→ Section 16(3) concerns the limits of the effect on property rights.

→ Legitimacy, inheritance and maintenance are related but distinct legal matters.

EXAMPLE:

A child can have statutory protection even if the parents' marriage is declared void.

REMEMBER

CHILD PROTECTION must be considered separately.

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Valid, Void And Voidable: Compare

Q. What should we understand?

The legal status of marriage determines what remedy may be requested.

→ Valid marriage: conditions and required solemnisation satisfied.

→ Void marriage: the statute treats it as null for the specified Section 11 violations.

→ Voidable marriage: legally operative unless and until annulled by a court under Section 12.

→ Annulment deals with statutory defects at or connected to marriage formation.

→ Divorce ordinarily dissolves a legally subsisting valid marriage.

EXAMPLE:

Living spouse suggests Section 11; force in consent suggests Section 12.

REMEMBER

Identify STATUS before selecting REMEDY.

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Matrimonial Remedies: Overview

Q. What should we understand?

Matrimonial remedies respond to defective marriages or serious difficulties in married life.

→ Section 9: restitution of conjugal rights.

→ Section 10: judicial separation.

→ Sections 11 and 12: nullity and annulment.

→ Sections 13 and 13B: divorce and divorce by mutual consent.

→ Other provisions address maintenance, property and issues affecting children.

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EXAMPLE:

A claim that a spouse has withdrawn from marital society differs from a request to dissolve the marriage entirely.

REMEMBER

RESTITUTION, SEPARATION, NULLITY and DIVORCE differ.

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Restitution Of Conjugal Rights : Section 9

Q. What should we understand ?

A spouse may petition when the other spouse has withdrawn from their society without reasonable excuse.

→ A legally subsisting marriage and the alleged withdrawal must be proved.

→ Safety, cruelty and other circumstances may provide reasonable excuse.

→ The Act describes the burden concerning reasonable excuse on the party who withdrew.

→ Court relief is subject to satisfying statutory safeguards.

→ A decree does not allow physical compulsion for intimate relations.

EXAMPLE :

A spouse leaving to escape serious domestic violence may have reasonable justification.

REMEMBER

WITHDRAWAL + absence of REASONABLE EXCUSE.

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Saroj Rani : Restitution Case

Q. What should we understand?

Saroj Rani v Sudarshan Kumar Chadha, AIR 1984 SC 1562, concerns the constitutionality of Section 9.

→ The Supreme Court examined the challenge to restitution of conjugal rights.

→ It upheld Section 9, taking account of legal safeguards and the limited means of enforcement.

→ The decision did not authorise forcible sexual or physical cohabitation.

→ Courts must still decide whether withdrawal was without reasonable excuse.

→ The case remains central to discussion of privacy and marriage obligations.

EXAMPLE:

In an exam on Section 9 and constitutional rights, give the holding and the underlying tension.

REMEMBER

SAROJ RANI → Supreme Court UPHELD Section 9.

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Judicial Separation : Section 10

Q. What should we understand?

A judicial separation decree permits parties to live apart while remaining legally married.

→ Section 10 uses grounds specified by reference to the Act's divorce provisions.

→ Once the decree is made, cohabitation need not continue.

→ The decree does not permit remarriage.

→ Courts may rescind the decree when it is just and reasonable.

→ Failure to resume cohabitation for the required period may later become relevant under Section 13(1A).

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EXAMPLE:

Spouses may seek a lawful period apart without immediately dissolving marriage.

REMEMBER

SEPARATION means marriage CONTINUES, cohabitation duty is suspended.

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Judicial Separation Versus Divorce

Q. What should we understand?

Judicial separation suspends the obligation to live together; divorce ends the legal matrimonial bond.

→ After separation, both parties remain husband and wife in law.

→ After a valid divorce decree takes effect, the marital bond ends.

→ Judicial separation does not itself provide the right to remarry.

→ Section 15 regulates remarriage after divorce and relevant appeal conditions.

→ Non-resumption of cohabitation may later be a statutory fact relevant to divorce.

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EXAMPLE:

Parties living separately under a court decree have not automatically obtained a divorce.

REMEMBER

SEPARATION is not DISSOLUTION.

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Three Theories Of Divorce

Q. What should we understand?

Fault, mutual consent and irretrievable breakdown are common explanations for divorce rules.

→ Fault theory considers specified wrongdoing such as cruelty or desertion.

→ Consent theory allows joint dissolution subject to statutory safeguards.

→ Breakdown theory considers whether a marriage has ceased to function.

→ Hindu marriage law includes fault grounds and divorce by mutual consent.

→ Breakdown is not an ordinary independent ground expressly listed in Section 13.

EXAMPLE:

A mutual-consent petition need not prove fault; a contested cruelty petition must prove its ground.

REMEMBER

Distinguish THEORIES from ENACTED GROUNDS.

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Section 13: Divorce Grounds

Q. What should we understand?

Section 13 sets out statutory grounds on which a spouse may seek dissolution.

→ Adultery, cruelty and desertion are important common grounds.

→ Other grounds concern conversion, qualifying mental disorder, renunciation and a seven-year presumption of death scenario.

→ Section 13(1A) addresses certain consequences after prior judicial decrees.

→ Wife-specific additional grounds are set out in Section 13(2).

→ Exact elements, proof and statutory amendments must be checked.

EXAMPLE:

An accusation of 'unhappy marriage' alone is not a substitute for identifying a legal ground.

> REMEMBER
>
> State the GROUND and prove its ELEMENTS.

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Adultery: Civil And Criminal Distinction

Q. What should we understand?

Adultery remains a matrimonial ground, but the old criminal offence of adultery was struck down in 2018.

→ Section 13(1)(i) concerns voluntary sexual intercourse after marriage with another person.

→ Joseph Shine v Union of India (2018) invalidated Section 497 of the old Indian Penal Code.

→ The civil divorce ground survived decriminalisation.

→ Credible evidence is required; suspicion and gossip are insufficient.

→ Civil matrimonial proof differs from the criminal standard of guilt.

EXAMPLE:

A fact pattern may concern civil divorce without any separate criminal offence of adultery.

REMEMBER

NOT an old IPC crime; STILL a divorce ground.

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Cruelty : Section 13(1)(Ia)

Q. What should we understand?

Matrimonial cruelty may consist of serious physical or mental conduct that makes continued married life unreasonable.

→ Violence and threats may amount to physical cruelty.

→ Sustained grave humiliation or damaging conduct may constitute mental cruelty.

→ Courts assess the complete marital circumstances rather than one universal formula.

→ Ordinary quarrels and minor irritation are not automatically cruelty.

→ Allegations need specific evidence; context, severity and cumulative effect matter.

EXAMPLE :

A sustained campaign of abuse may satisfy cruelty even without visible bodily injury.

REMEMBER

CRUELTY is assessed in CONTEXT.

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N G Dastane: Standard Of Proof

Q. What should we understand ?

N G Dastane v S Dastane, (1975) 2 SCC 326, is a classic matrimonial cruelty decision.

→ The Supreme Court examined allegations of cruelty between spouses.

→ The Court applied the civil standard of preponderance of probabilities.

→ It discussed reasonable apprehension of harm arising from the conduct.

→ Condonation may affect relief when a spouse forgives conduct and restores marital life.

→ Do not wrongly apply proof beyond reasonable doubt to ordinary civil matrimonial claims.

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EXAMPLE :

The judge asks whether the legal facts are more probable than not on the whole evidence.

REMEMBER

DASTANE → CIVIL PROOF and CONDONATION.

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Samar Ghosh: Mental Cruelty

Q. What should we understand?

Samar Ghosh v Jaya Ghosh, (2007) 4 SCC 511, explains why mental cruelty needs context-sensitive analysis.

→ The Supreme Court offered illustrations rather than a rigid exhaustive definition.

→ Continuous serious mistreatment may be more significant than a minor isolated argument.

→ The history of the marriage, gravity and overall effect matter.

→ Social context and particular circumstances may be relevant.

→ The legal question concerns serious harm to the marital relationship, not ordinary differences.

EXAMPLE:

A repeated pattern of severe humiliation requires different treatment from an everyday dispute.

REMEMBER

SAMAR GHOSH → no universal mechanical checklist.

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Desertion: Section 13(1)(Ib)

Q. What should we understand ?

Desertion requires more than a spouse living at another address.

→ The period ordinarily must run continuously for at least two years immediately before the petition.

→ The inquiry includes separation and intention to desert (animus deserendi).

→ Consent and reasonable cause matter.

→ Constructive desertion may arise if one spouse's behaviour forces the other out.

→ Ordinary job-related absence or agreed separation is not desertion merely by its duration.

EXAMPLE:

A two-year mutually agreed separation does not by itself prove the complete statutory ground.

REMEMBER

TWO YEARS + SEPARATION + INTENTION + absence of justification.

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Other Grounds Under Section 13

Q. What should we understand ?

Some grounds concern a spouse's status or serious circumstances specifically described in the statute.

→ Conversion out of Hindu religion is one recognised ground.

→ Statutory mental disorder must meet its detailed legal test.

→ Renunciation of the world by entering a religious order is addressed.

→ A person not heard of as alive for seven years may satisfy a specific ground if the legal requirements are met.

→ Leprosy was removed as a divorce ground by the 2019 law; do not blindly reproduce outdated lists.

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EXAMPLE:

For a missing spouse, evidence about who would normally have heard from that person is important.

REMEMBER

Always check PRECISE ELEMENTS and AMENDMENTS.

Additional Grounds For A Wife

Q. What should we understand?

Section 13(2) identifies certain additional grounds available to a wife on its stated conditions.

→ These include a husband's specified pre-Act marital situation.

→ The Act refers to the husband's guilt of certain sexual offences using statutory language.

→ It includes a ground connected to qualifying maintenance decrees or orders and continued non-resumption of cohabitation.

→ Repudiation of a qualifying marriage solemnised before the wife attained age fifteen is addressed with age limits.

→ Each ground has distinct factual qualifications; do not state them as unrestricted rules.

EXAMPLE:

A maintenance-order ground requires checking the exact order, period and statutory conditions.

REMEMBER

Section 13(2) contains specifically qualified WIFE-ONLY grounds.

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Mutual Consent Divorce: Section 13B

Q. What should we understand?

Section 13B provides a joint process where both spouses genuinely seek dissolution.

→ Section 13B(1) requires living separately for at least one year.

→ Parties must be unable to live together and mutually agree to dissolution.

→ Section 13B(2) describes the second motion and ordinary waiting interval.

→ Consent must be real and free when required by law.

→ Settlement of children, maintenance and property must be dealt with responsibly.

EXAMPLE:

Spouses who have lived apart for two years may file jointly, but the decree still requires judicial scrutiny.

REMEMBER

JOINT PETITION + SEPARATION + GENUINE CONSENT.

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Sureshta Devi And Amardeep Singh

Q. What should we understand ?

Two Supreme Court cases guide the law on mutual consent and the six-month interval.

→ Sureshta Devi v Om Prakash, (1991) 2 SCC 25, addressed the continuing requirement of mutual consent before decree.

→ Amardeep Singh v Harveen Kaur, (2017) 8 SCC 746, held the six-month second-motion period could be waived.

→ Waiver is discretionary, not automatic.

→ Courts consider genuine resolution of disputes and whether reconciliation has failed.

→ The one-year separation rule is different from the ordinary six-month waiting interval.

EXAMPLE:

A settlement after long separation may support an application to waive the waiting interval.

REMEMBER

SURESHTA DEVI → CONSENT; AMARDEEP SINGH → WAIVER.

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Irretrievable Breakdown

Q. What should we understand ?

Irretrievable breakdown describes a marriage so damaged that an effective relationship cannot reasonably be restored.

→ Long separation and failed reconciliation may be evidence of breakdown.

→ Protracted litigation can show that spouses no longer have a workable shared life.

→ Naveen Kohli v Neelu Kohli, (2006) 4 SCC 558, discussed reform and the concept.

→ It is not an ordinary independent statutory ground stated in Section 13 of the Hindu Marriage Act.

→ Distinguish proposed reform, judicial observations and enacted legal rules.

EXAMPLE :

A ten-year separation alone is not a substitute for pleading and establishing an available legal route.

REMEMBER

BREAKDOWN matters, but is NOT ordinary Section 13 ground.

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38/40
Family Law - I
Unit I

17/08/2021

Procedural Safeguards And Remarriage

Q. What should we understand?

A matrimonial petitioner must satisfy substantive grounds and procedural requirements.

→ Section 14 normally restricts a divorce petition in the first year of marriage, subject to a special exception.

→ Section 23 requires judicial satisfaction about statutory bars and matters.

→ A spouse cannot always take advantage of their own wrong to secure relief.

→ Court proceedings may involve conciliation, evidence and properly reasoned decrees.

→ Section 15 concerns the time when marriage after divorce is lawful with regard to appeals.

EXAMPLE:

A divorce order and a final right to remarry should not be treated as identical questions.

REMEMBER

PROOF + FAIR PROCESS + DECREE + APPEAL STATUS.

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Family Law - I Unit I

17/08/2021

Case - Law Memory Chart

Q. What should we understand ?

A useful examiner-friendly answer relates each decision to one legal proposition.

→ Bhaurao Shankar Lokhande (1965): proof of essential marriage rites.

→ Saroj Rani (1984): Section 9 restitution upheld.

→ N G Dastane (1975): cruelty, condonation and civil standard of proof.

→ Samar Ghosh (2007): mental cruelty in matrimonial context.

→ Sureshta Devi (1991): continuing consent in Section 13B.

→ Amardeep Singh (2017): discretionary waiver of six-month waiting interval.

EXAMPLE:

Use the case that addresses the precise issue asked, not just any famous judgment.

REMEMBER

CASE NAME → ISSUE → RULE → APPLICATION.

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40/40
Family Law - I
Unit I

17/08/2021

Practice Questions And Final Revision

Q. What should we understand?

Write short, structured answers to consolidate Unit I before moving to Muslim marriage law in Unit II.

> Q1. Is Hindu marriage a sacrament or contract in modern law?

> Q2. List the five Section 5 marriage conditions.

> Q3. Distinguish void and voidable marriages with sections and examples.

> Q4. Discuss restitution and the decision in Saroj Rani.

> Q5. Compare judicial separation and divorce.

> Q6. Explain cruelty, desertion, mutual consent and breakdown.

EXAMPLE:

A strong answer states the rule, cites a section, explains a case and applies the facts.

REMEMBER

IMPORTANT SECTIONS: 5, 7, 8, 9, 10, 11, 12, 13, 13B, 14, 16, 23.

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