

The secular mind-set of the Indian judicial system functions on various 'Personal laws' considering the pluralism of practised religions. 'Personal law' means a law that applies to a certain group of people based on their religions, faith, and culture. These laws apply to matters of inheritance, succession, marriage- divorce, adoption, the partition of family property etc.

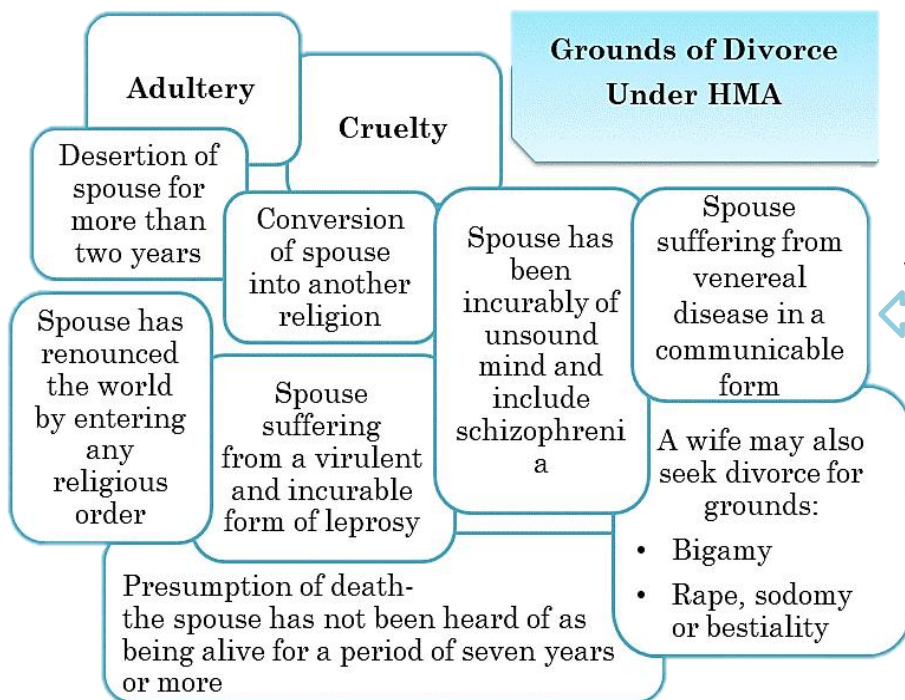


Image: The Quint

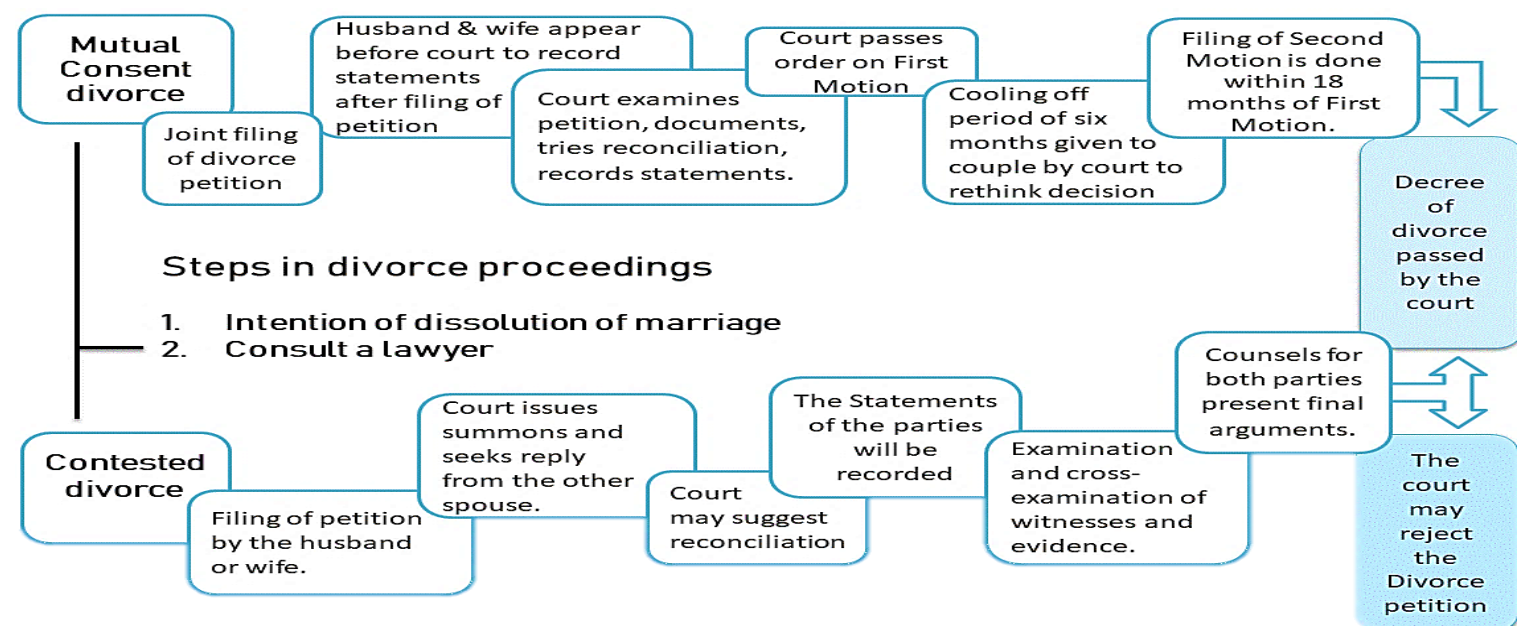
One such Act is the Hindu Marriage Act, 1955 (HMA) which applies to all forms of Hinduism, Buddhist, Jain or Sikh by religion, anyone who is a permanent resident of India who is not Muslim, Jew, Christian, or Parsi by religion. (As they have their separate personal laws)

Divorce means 'dissolution of marriage' is obtained by mutual consent or by contesting.

In case of a mutual consent divorce, both the partners file a joint divorce petition with mutual agreement intending to separate. Whereas, in contested divorce, one spouse seeks divorce against the other in the court and the other spouse challenges it. A petition for contested divorce can only be filed on valid grounds as mentioned herein.



A mutual divorce is considered as the fastest way to get a divorce in India, while a contested divorce takes more time as there are other formalities involved, relating to child custody, maintenance/ alimony, and division of property etc. to be decided by the court.



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