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.

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.

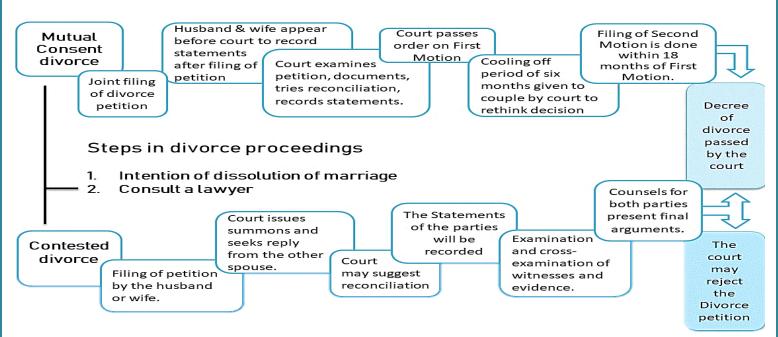
In case of a mutual consent divorce, both the partners file a joint divorce petition with mutual

Grounds of Divorce Adultery **Under HMA** Cruelty Desertion of spouse for Spouse Conversion more than Spouse has suffering from of spouse two years been venereal into another incurably of disease in a religion Spouse has unsound communicable renounced mind and the world formSpouse include by entering suffering schizophreni A wife may also any from a virulent seek divorce for religious and incurable grounds: order form of leprosy Bigamy Presumption of death-Rape, sodomy the spouse has not been heard of as or bestiality being alive for a period of seven years or more

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.

The Naïve queries # 6

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.



Have questions? Contact: +91 9284080169