

Hindu Marriage (Punjab) Rules, 1956

PUNJAB

India

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Rule HINDU-MARRIAGE-PUNJAB-RULES-1956 of 1956

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Hindu Marriage (Punjab) Rules, 1956 Rules framed by Punjab High Court Under the Hindu Marriage Act, 1955 In exercise of the powers conferred by Section 21 of the Hindu Marriage Act, 1955 (No. 25 of 1955), the Punjab High Court has made the following rules :-

1. Short title.

- These rules may be called the Hindu Marriage (Punjab) Rules, 1956.

2. Definitions.

- In these rules unless there is anything repugnant in the subject or context -(a)'Act' means the Hindu Marriage Act, 1955 (No. 25 of 1955).(b)'Form' means a form appended to these rules.(c)'Section' and 'Sub-Section' mean, respectively, Section and Sub-Section of the Act.(d)All other terms and expressions used herein but not defined shall have the meaning respectively assigned to them in the Act.

3. Petition to be accompanied by extract or affidavit of re-marriage.

- A petition under the Act shall be accompanied by a certified extract from the Hindu Marriage Register maintained under section 8 of the Act and in the absence of the same an affidavit, to the effect that petitioner was married to the respondent (unless the certificate or affidavit is already on the record).

4. Contents of the petition.

- All petitions under sections 9 to 13 shall state :-(i)The date and place of the marriage.(ii)Whether the petitioner and the respondent were Hindus by religion at the time of the marriage and whether they continue to be so upto the date of the filing of the petition.(iii)The status and place of residence

of the parties to the marriage before the marriage and at the time of filing the petition.(iv)The principal permanent addresses where the parties have co-habited, including the address where they last resided together.(v)Whether there have been previous proceedings with regard to marriage by or on behalf of any party; if so, the result of those proceedings.(vi)Whether any children were born of the marriage and if so, the date and place of birth and the name and sex of each child separately; and whether alive or dead.(vii)The matrimonial offences charged set in separate paragraphs with the times and places of their alleged commission.

5. Petition to be accompanied by affidavit to show that there is no collusion or connivance.

- A petition for divorce on grounds of adultery, shall state that the petitioner has not in any manner been accessory to or connived at or condoned the adultery.

6. Full facts of adultery to be given.

- In any petition for divorce the petitioner shall be required to give particulars as nearly as he can of the acts of adultery alleged to have been committed by the respondent or respondents, as the case may be.

7. Affidavit of non co-habitation for divorce after decree of judicial separation.

- A petition for divorce, after the passing of a decree for judicial separation, shall be accompanied by an affidavit made by the petitioner to the effect that he or she has not resumed co-habitation for a period of two years or upwards after the passing of a decree for judicial separation.

8. Presentation of petition.

- Every petition or application under the Act shall be presented to the Court in person or through an Advocate or a Pleader or a recognised agent.

9. Notice to respondent.

(1)A notice of every petition or application under the Act shall be issued to the respondent in Form A to appear and answer the claim on a day to be therein specified ;Provided that no such notice would be necessary when the respondent appears at the time of the presentation of the petition or application.Copies for respondent. - (2) Every such notice shall be accompanied by a copy of the petition or application. The required number of copies of the petition or application shall be supplied by the petitioner or applicant at the time of its presentation in Court.

10. Petition on ground of adultery. Adulterer to be impleaded as party

- Upon a petition presented by a husband for divorce on the ground of adultery, the petitioner shall make the alleged adulterer a co-respondent. The petitioner may, however, be excused from so doing on any of the following grounds with the permission of the Court:-(a)That the respondent is leading the life of a prostitute and that the petitioner knows of no particular person with whom the adultery has been committed;(b)that the name of the alleged adulterer is un-known to the petitioner although he has made due efforts to discover the same;(c)that the alleged adulterer is dead.

11. True copy of pleadings to be served on adulteress.

- Where a husband is charged with adultery with a named person, a true copy of the pleadings, containing such charge shall unless the Court for good cause shown otherwise directs, be served upon the person with whom adultery is alleged to have been committed, accompanied by a notice that such person is entitled, within the time therein specified, to apply for leave to intervene in the cause.

12. Pleadings of respondents and intervener to be verified.

(a)A respondent or a co-respondent or a woman to whom leave to intervene has been granted under these rules, may file in the Court an answer to the petition.(b)Any answer which contains matter other than a simple denial of the facts stated in the petition shall be verified in respect of such matters by the respondent or co-respondent, as the case may be, in the manner required by the rules for the verification of petitions and when the respondent is husband or wife of the petitioner, the answer shall contain a declaration that there is not any collusion or connivance between the parties.(c)Where the answer of a husband alleges adultery and prays for relief, a certified copy thereof shall be served upon the alleged adulterer, together with a notice to appear in like manner as on a petition. When in such a case no relief is claimed the alleged adulterer, shall not be made a co-respondent but a certified copy of the answer shall be served upon him together with a notice that he is entitled within the time therein specified to apply for leave to intervene in the proceedings and upon such application, he may be allowed to intervene, subject to such direction, as may be given by the Court.

13. Permission of Court necessary to intervene.

- Any person, not a party to the proceedings, may be permitted by the Court to intervene and show that the allegations made by the petitioner are contrary to facts and that the proceedings are collusive. Such permission shall not be granted unless the person seeking to intervene files an affidavit in support of his position and satisfies the Court that it is proper to give such permission. Such person shall, when he first appears in Court, file a proceeding stating his or her address for service.

14. Adulterer to pay whole or part of costs.

- Whenever in any petition presented by a husband, the alleged adulterer has been made a co-respondent and the adultery has been established the Court may order the co-respondent to pay the whole or any part of the costs of the proceedings :Provided that the co-respondent shall not be ordered to pay the petitioner's costs -(i)if the respondent was, at the time of the adultery, living apart from her husband and was leading the life of a prostitute, or(ii)if the co-respondent had not, at the time of the adultery, reason to believe the respondent to be a married woman.

15. Register to be maintained.

- Every Court shall maintain a register in which the details regarding petitions shall be entered and it shall conform to Civil Register No. III maintained for Divorce and Matrimonial Cases.

16. Forms.

- The forms given in the Appendix to these rules may, with necessary modifications, be used in the proceedings under the Act. (High Court Notification No. 271-Genl/XXVII-19, dated the 22nd November, 1956).Appendix Form A(Rule 5)In the District Court at _____,Matrimonial and Divorce JurisdictionCase No. _____

_____ Date of institution

Petitioner.Versus _____

Respondent. _____

Co-respondent.To _____ .Whereas

_____ has presented a petition/application against you for _____ under section _____ of the Hindu Marriage Act, 1955 (No. 25 of 1955). (A copy of the said petition/application is sent herewith), you are hereby summoned to appear in this Court on the _____ at 10 o'clock in the forenoon to answer the said petition/application, either in person or by recognised agent duly instructed and able to answer all material questions relating to the case, or who shall be accompanied by some other person able to answer all such questions or by an Advocate or Pleader similarly instructed or accompanied and you are directed to produce on that day all documents upon which you intend to rely in support of your defence. You may file an answer to the petition/application on the date mentioned above.You are further informed that in default of your appearance on the day and in the manner above-mentioned the petition/application will be heard and determined in your absence.Given under my hand and the seal of this Court, this

_____ day of _____, nineteen hundred and

_____.Dated _____.Sd. _____ District Judgeat _____ Note :-

Hours of attendance at the Court are from 10 A.M. till 4 P.M.Form BIn the District Court at _____.

Petitioner.Versus _____

Respondent.Petition for restitution of conjugal rights under section 9 of the Hindu Marriage Act, 1955 (No. 25 of 1955)The petitioner prays as follows :-

1. A marriage was solemnised between the parties on _____ at _____

An extract from the Hindu Marriage RegisterAn affidavit, duly attested| is filed here with.

2. The status and place of residence of the parties to the marriage before the marriage and at the time of filing the petition were as follows:-

	Husband	Wife		
	Status	Place of residence	Status	Place of residence
i. Before marriage				
ii. At the time of filing the petition				

(Whether a party is a Hindu by religion or not is a part of his or her status).

3. (In this paragraph particulars and place (s) of co-habitation as husband and wife and the children from the marriage, if any, may be given. The date and place of birth and name and sex of each child and the fact whether alive or dead should also be stated).

4. The respondent has, without reasonable excuse, withdrawn from the society of the petitioner with effect from _____ (cause of the estrangement, as known to the petitioner may be stated).

5. The petition is not presented in collusion with the respondent.

6. There has not been any unnecessary or improper delay in filing this petition.

7. There is no other legal ground why relief should not be granted.

8. There has not been any previous proceeding with regard to the marriage by or on behalf of any party.

orThere has been the following previous proceedings with regard to the marriage by or on behalf of the parties :-

Sr. No.	Name of parties	Nature of proceedings with section of the Act	Number and year of the case	Name and location of Court	Result
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i.ii.iii.iv.

9. | The marriage was solemnised | The husband and wife reside | The husband and wife last resided together | within the local limits of the ordinary original civil jurisdiction of this Court.

10. The petitioner prays for a decree for restitution of conjugal rights against the respondent.

Sd. _____ Petitioner. Verification : The above-named petitioner states on solemn affirmation that paras 1 to _____ of the petition are true to the best of the petitioner's information and belief. Verified at _____ (Place.) Sd.

_____ Petitioner. Dated _____. Form C In the District Court at _____.

Petitioner. Versus _____

Respondent. _____

Co-Respondent. Petition for judicial separation under section 10 of the Hindu Marriage Act, 1955 (No. 25 of 1955) The petitioner prays as follows :-

1. A marriage was solemnised between the parties

on _____ at _____. An extract from the Hindu Marriage Register/An affidavit, duly attested is filed herewith.

2. The status and place of residence of the parties to the marriage before the marriage and at the time of filing the petition were as follows:-

	Husband	Wife
	Status	Place of residence
	Status	Place of residence
i. Before marriage		
ii. At the time of filing the petition		

(Whether a party is a Hindu by religion or not is a part of his or her status).

3. (In this paragraph particulars and place(s) of co-habitation as husband and wife and the children from the marriage, if any, may be given. The date and place of birth and name and sex of each child and the fact whether alive or dead should also be stated). _____

4. The respondent has _____ (any one or more of the grounds specified in section 10 may be pleaded here. The matrimonial offences charged should be set in separate paragraphs, with times and places of their alleged commission. The facts on which the claim to relief is founded should be stated as distinctly as the nature of the case permits. If adultery is pleaded, the petitioner should give particulars, as nearly as he can of the acts of adultery alleged to have been committed.)

5.

[Where the ground of petition is the ground specified in clause (f) of section 10(1)]. The petitioner has not in any manner been accessory to or connived at or condoned the act(s) complained of.

6. (Where the ground of petition is cruelty). The petitioner has not in any manner condoned the cruelty.

7. The petition is not presented in collusion with the respondent.

8. There has not been any unnecessary or improper delay in filing this petition.

9. There is no other legal ground why the relief should not be granted.

10. There has not been any previous proceedings with regard to the marriage by or on behalf of any party.

or There have been the following previous proceedings with regard to the marriage by or on behalf of the parties :-

Sr. No.	Name of parties	Nature of proceedings with section of the Act	Number and year of the case	Name and location of Court	Result
i.ii.iii.iv.					

11. | The marriage was solemnised | The husband and wife reside | The husband and wife last resided together | within the local limits of the ordinary civil jurisdiction of this Court.

12. The petitioner therefore prays for a decree for judicial separation against the respondent.

Sd. _____ Petitioner. Verification : The above-named petitioner states on solemn affirmation that paras 1 to _____ of the petition are true to the best of the petitioner's information and belief.

Verified at _____ (Place). Sd. _____

Dated _____ Petitioner.

Form DIn the District Court at _____.

Petitioner.Versus _____

Respondent.Petition for a decree of nullity of marriage under section 11 of the Hindu Marriage Act, 1955 (No. 25 of 1955)The petitioner prays as follows :-

1. A marriage was solemnised between the parties after the commencement of the Hindu Marriage Act on _____ at _____. An extract from the Hindu Marriage Register/Affidavit is filed herewith.

2. The status and place of residence of the parties to the marriage before the marriage and at the time of filing the petition were as follows:-

	Husband	Wife		
	Status	Place of residence	Status	Place of residence

i. Before marriageii. At the time of filing the petition

(Whether a party is a Hindu by religion or not is a part of his or her status).

3. (In this paragraph particulars and place(s) of co-habitation as husband and wife and the children from the marriage, if any, may be given. The date and place of birth and name and sex of each child and the fact whether alive or dead should also be stated). _____

4. The respondent had a spouse living at the time of the marriage.

orThe parties are within the degrees of prohibited relationship and there is no custom or usage governing each of them which permits of a marriage between the two.orThe parties are sapindas of each other and there is no custom or usage governing each of them which permits of a marriage between the two.(One or more of the above grounds may be pleaded and portions which are not applicable should be scored out. Facts on which the claim to relief is founded should be stated as distinctly as the nature of the case permits. The matrimonial offences charged should be set in separate paragraphs with times and places of their alleged commission).

- 5. The petition is not presented in collusion with the respondent.**
- 6. There has not been any unnecessary or improper delay in filing the petition.**
- 7. There is no other legal ground why the relief should not be granted.**
- 8. There has not been any previous proceeding with regard to the marriage by or on behalf of any party.**

or There have been the following previous proceedings with regard to the marriage by or on behalf of the parties :-

Sr. No.	Name of parties	Nature of proceedings with section of the Act	Number and year of the case	Name and location of Court	Result
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i.ii.iii.iv.

9. | The marriage was solemnised | The parties reside | The parties last resided together | within the local limits of the ordinary original civil jurisdiction of this Court.

10. The petitioner therefore prays that the marriage solemnised between the parties being null and void may be so declared by the court by a decree of nullity.

Sd. _____ Petitioner. Verification : The above-named petitioner states on solemn affirmation that paras 1 to _____ of the petition are true to the best of the petitioner's information and belief. Verified at _____ (Place). Dated _____. Sd. _____ Petitioner. Form E In the District Court at _____.

Petitioner. Versus _____

Respondent. Petition for the annulment of a marriage under section 12 of the Hindu Marriage Act, 1955 (No. 25 of 1955) The petitioner prays as follows :-

1. A marriage was solemnised between the parties on _____ at _____.

An extract from the Hindu Marriage Register An affidavit, duly attested | is filed here with.

2. The status and place of residence of the parties to the marriage before the marriage and at the time of filing the petition were as follows:-

Husband	Wife
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Status	Place of	Status	Place of
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residence

residence

i. Before marriageii. At the time of filing the petition

(Whether a party is a Hindu by religion or not is a part of his or her status).

3. (In this paragraph particulars and place(s) of co-habitation as husband and wife and the children from the marriage, if any, may be given. The date and place of birth and name and sex of each child and the fact whether alive or dead should also be stated). _____

4. The respondent was impotent at the time of the marriage and continued to be so until the institution of these proceedings.

orThe respondent was an idiot/lunatic at the time of marriage.orThe consent of the petitioner/guardian of the petitioner was obtained by force/fraud and the petition is presented within one year after the force has ceased to operate/fraud had been discovered and the petitioner has not with his/her full consent, lived with the other party to the marriage as husband/wife after the force has ceased to operate/fraud had been discovered.orThe respondent was at the time of the marriage pregnant by some person other than the petitioner and the petitioner was at the time of marriage ignorant of this fact and the proceedings have been instituted within one year from the date of the marriage and marital intercourse with the consent of the petitioner has not taken place since the discovery by the petitioner of the existence of respondent's pregnancy by some person other than the petitioner.(One or more of the above grounds may be pleaded and the portions which are not applicable should be scored out. Facts on which the claim to relief is founded should be stated as distinctly as the nature of the case permits. The matrimonial offences charged should be set in separate paragraphs with the times and places of their alleged commission).

5. The petition is not instituted in collusion with the respondent.

6. There has not been any unnecessary or improper delay in filing this petition.

7. There is no other legal ground why the relief should not be granted.

8. There has not been any previous proceeding with regard to the marriage by or on behalf of any party.

orThere have been the following previous proceedings with regard to the marriage by or on behalf of the parties :-

Sr. No.	Name of parties	Nature of proceedings with section of the Act	Number and year of the case	Name and location of Court	Result
---------	-----------------	---	-----------------------------	----------------------------	--------

i.ii.iii.iv.

9. | The marriage was solemnised | The parties reside | The parties last resided together | within the local limits of the ordinary civil jurisdiction of this Court.

10. The petitioner therefore prays that the marriage between the parties being voidable may be annulled by the court by a decree of nullity.

Sd. _____ Petitioner. Verification : The above-named petitioner states on solemn affirmation that paras 1 to _____ of the petition are true to the best of the petitioner's information and belief. Verified at _____ (Place). Dated _____ . Sd. _____ Petitioner. Form F In the District Court at _____.

Petitioner. Versus _____

Respondent. _____

Co-Respondent. Petition for dissolution of marriage by a decree of divorce under section 13 of the Hindu Marriage Act, 1955 (No. 25 of 1955). The petitioner prays as follows :-

1. A marriage was solemnised between the parties on _____ at _____.

An extract from the Hindu Marriage Register | An affidavit, duly attested | is filed here with.

2. The status and place of residence of the parties to the marriage before the marriage and at the time of filing the petition were as follows :-

Husband		Wife	
Status	Place of residence	Status	Place of residence

i. Before marriage ii. At the time of filing the petition

(Whether a party is a Hindu by religion or not is a part of his or her status).

3. (In this paragraph particulars and place(s) of co-habitation as husband and wife and the children from the marriage, if any, may be given. The date and place of birth and name and sex of each child and the fact whether alive or dead should also be stated).

4. The respondent _____

(One or more of the grounds specified in section 13 may be pleaded here. The facts on which the claim to relief is founded should be stated as distinctly as the nature of the case permits. If adultery is pleaded the petitioner should give particulars as nearly as he can, of the acts of adultery alleged to have been committed. The matrimonial offences charged should be set in separate paragraphs, with the times and places of their alleged commission. If the ground specified in clause (viii) of section 13(1) is pleaded the petition should be accompanied by an affidavit of the petitioner to the effect that he or she has not resumed co-habitation for a period of two years or upwards of the passing of the decree for judicial separation).

5. (Where the ground of petition is the ground specified in clause (i) of sub-section (1) of section 13). The petitioner has not in any manner been accessory to or connived at or condoned the act(s) complained of.

6. (Where the ground of petition is cruelty). The petitioner has not in any manner condoned the cruelty.

7. The petition is not presented in collusion with the respondent.

8. There has not been any unnecessary or improper delay in filing this petition.

9. There is no other legal ground why the relief should not be granted.

10. There has not been any previous proceeding with regard to the marriage by or on behalf of any party.

or There have been the following previous proceedings with regard to the marriage by or on behalf of the parties :-

Sr. No.	Name of parties	Nature of proceedings with section of the Act	Number and year of the case	Name and location of Court	Result
---------	-----------------	---	-----------------------------	----------------------------	--------

i.ii.iii.iv.

11. | The marriage was solemnised | The husband and wife reside | The husband and wife last resided together | within the local limits of the ordinary civil jurisdiction of this Court.

12. The petitioner therefore prays that the marriage between the petitioner and the respondent may be dissolved by a decree of divorce.

Sd. _____ Petitioner. Verification : The above-named petitioner states on solemn affirmation that paras 1 to _____ of the petition are true to the best of the petitioner's

information and belief.

Verified at _____ (Place). Sd. _____

Dated _____ Petitioner.

Form G In the District Court at

Applicant. Versus _____

Respondent. Application under section 14 of the Hindu Marriage Act, 1955 (No. 25 of 1955) praying that a petition of divorce may be allowed to be presented before three years have elapsed since the date of marriage. The applicant prays as under :-

1. A marriage was solemnised between the parties on _____ at _____.

An extract from the Hindu Marriage Register An affidavit, duly attested | is filed here with.

2. The status and place of residence of the parties to the marriage before the marriage and at the time of filing the petition were as follows:-

Husband		Wife	
Status	Place of residence	Status	Place of residence

i. Before marriage ii. At the time of filing the petition

(Whether a party is a Hindu by religion or not is a part of his or her status).

3. (In this paragraph particulars and place(s) of co-habitation of husband and wife and the children from the marriage, if any, may be given. The date and place of birth and name and sex of each child and the fact whether alive or dead should also be stated). _____

4. This is a case of | exceptional hardship to the petitioner as exceptional depravity on the part of the respondent

_____ (state as distinctly as the nature of the case permits the particulars about the exceptional hardship or depravity, as the case may be).

5. | The marriage was solemnised The parties reside The parties last resided together | within the local limits of the ordinary civil jurisdiction of this Court.

6. The applicant therefore prays that | he/she | may be allowed to present a petition for divorce before three years have elapsed since the date of marriage.

Sd. _____ Applicant. Verification : The above named applicant states on solemn affirmation that paras 1 to _____ of the petition are true to the best of the Applicant's information and belief.

Verified at _____ (Place). Sd. _____

Dated _____ Applicant.

Form H In the District Court at _____

Applicant. Versus _____ Respondent. Application for maintenance pendente lite and for expenses of proceedings under Section 24 of the Hindu Marriage Act, 1955 (Act No. 25 of 1955) The applicant prays as follows :-

1. A proceeding for _____ under section _____ of the Hindu Marriage Act, 1955, is pending between the parties in this Court. The particulars are as follows :-

Number and year of case Name of Parties Next date of hearing Remarks

2. The applicant owns no other movable or immovable property and has no other source of income except _____ (Give full particulars of the petitioner's property and income).

3. The applicant has no independent income sufficient for his/her support and the necessary expenses of the proceeding.

4. The respondent has sources of income and owns property mentioned below :-

_____ (Give full particulars about respondent's income and property).

5. The petitioner prays that the respondent should be ordered to pay a sum of Rs. _____ as the petitioner's expenses of the proceeding and sum of Rs. _____ monthly for petitioner's maintenance during the proceeding.

Sd. _____ Applicant. Verification : The above named applicant states on solemn affirmation that paras 1 to _____ of the petition are true to the best of the petitioner's information and belief.

Verified at _____ (Place). Sd. _____

Dated _____ Petitioner.

Form II In the District Court at

Applicant. Versus _____

Respondent. Application for permanent alimony and maintenance under section 25 of the Hindu Marriage Act, 1955 (No. 25 of 1955) The applicant prays as follows :-

1. A proceeding between the parties for _____ under section _____ of the Hindu Marriage Act, 1955

is/ pending in/ was decided by/ this Court, particulars of which are given below :-

Number and year of case Names of parties Date of decision or next hearing Remarks

2. The applicant owns no other movable or immovable property and has no other source of income except _____ (Give full particulars about respondent's income and property).

3. The respondent has sources of income and owns property mentioned below :-

(Give full particulars about respondent's income and property).

4. The applicant has not remarried and has not been guilty of any conduct which would disentitle him/her to receive maintenance from the respondent.

5. The applicant prays that having regard to the incomes of the parties and their conduct, the respondent may be ordered to pay to the petitioner for his/her maintenance and support until death or remarriage a gross/monthly/periodical sum of Rs. _____ and (score out if not necessary) such payment may be secured by a charge on the immovable property of the respondent.

Sd. _____ Applicant. Verification : The above-named applicant states on solemn affirmation that paras 1 to _____ of the petition are true to the best of the applicant's information and belief. Verified at _____ (Place.) Dated _____ .Sd. _____ Applicant.