

Special Marriage (Punjab High Court) Rules, 1956

PUNJAB

India

Special Marriage (Punjab High Court) Rules, 1956

Rule SPECIAL-MARRIAGE-PUNJAB-HIGH-COURT-RULES-1956 of 1956

- Published on 22 November 1956
- Commenced on 22 November 1956
- [This is the version of this document from 22 November 1956.]
- [Note: The original publication document is not available and this content could not be verified.]

Special Marriage (Punjab High Court) Rules, 1956 Rules framed by Punjab High Court under the Special Marriage Act, 1954 In exercise of the powers conferred by Section 41 of the Special Marriage Act, 1954 (No. 43 of 1954), the Punjab High Court has made the following rules:-

1. Short title.

- These rules may be called the Special Marriage (Punjab High Court) Rules, 1956.

2. Definitions.

- In these rules, unless there is anything repugnant in the subject or context -(a)'Act' means the Special Marriage Act, 1954 (No. 43 of 1954). (b)'Form' means a form prescribed in the Act or appended to these rules. (c)'Section', 'Sub-Section' and 'Chapter' mean, respectively, Section, Sub-section and Chapter of the Act. (d) All other terms and expressions used herein but not defined shall have the meaning assigned to them in the Act.

3. Petition to be accompanied by certificate of marriage.

- A petition under the Act shall be accompanied by a certified copy of the certificate of marriage (unless the certificate is already on the record).

4. Contents of the petition.

(1) A petition under Chapter V or Chapter VI shall state :- (i) The date and place of marriage. (ii) The status and place of residence of the parties to the marriage before the marriage and at the time of filing the petition. (iii) The principal permanent addresses where the parties have cohabited,

including the address where they last resided together.(iv)Whether there have been previous proceedings with regard to marriage by or on behalf of any party; if so, the result of those proceedings.(v)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.(vi)The matrimonial offences charged set in separate paragraphs with the times and places of their alleged commission.Presentation of petition. - (2) Every petition under Chapters V and VI shall be presented to the Court in person or through an advocate or a pleader or a recognised agent.

5. 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.

6. 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 unknown to the petitioner although he has made due efforts to discover the same;(c)That the alleged adulterer is dead.

7. 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.

8. True copy of pleadings to be served on adulterers.

- 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 case.

9. 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 matters 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 then be given by the Court.

10. Affidavit of non-cohabitation 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.

11. Permission of Courts necessary to intervene.

- A petition for divorce, after the passing of a decree under sections 23, 24, 25, 27 and 28 of the Act, may be permitted by the Court to intervene in those proceedings and to show that the allegations made by the petitioner in those proceedings were contrary to facts and that those proceedings were collusive. Such permission shall not be granted, unless the person seeking to intervene puts in an affidavit in support of his allegations, and the Court holds that it is proper to give such a permission. Every party or person intervening in the case, when he first appears in Court shall file a proceeding stating his or her address for service.

12. Dismissal in default and restoration of petition.

(a) If any petition has been dismissed in default for non-appearance or for non-prosecution of the same, the Court may restore the same on a petition, presented within 60 days from the date of the order of dismissal, if sufficient cause is shown for the restoration. But in all cases, where the petition has been dismissed in the presence of the respondent, the same shall not be restored unless a notice is issued to the respondent. When can ex-parte orders be set aside. - (b) When ex parte proceedings have been taken in a case, under Chapters V, VI and VII of the Act, the same may be set aside on sufficient cause being shown. The petition for setting aside the ex parte proceedings shall be made within 60 days from the date of service and where no service has been effected from the date of

knowledge. Sections 5 and 12 of the Indian Limitation Act shall apply to proceedings for restoration or setting aside ex parte decree and for purposes of appeal.

13. Claim for damages and mode of its assessment.

- In cases where damages are claimed from the adulterer co-respondent, the ground on which such damages are founded shall be fully and clearly stated in the petition for divorce as also the mode of its assessment. The petitioner shall specify the amount claimed as damages from the adulterer co-respondent, and if the adultery is proved, such damages as the Court may deem proper be assessed and paid to the petitioner, although the respondent or either of them may not appear.

14. Payment by co-respondent of the costs of petition

- Whenever in any petition presented by a husband the alleged adulterer has been made a co-respondent and 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 adultery living apart from her husband and was leading a life of a prostitute, or (ii) if the co-respondent had not, at the time of 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. 3, 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. 272-General/XXVII-12, dated the 22nd November, 1956). Appendix Form A (Rule 5) Notice In the District Court at _____ Matrimonial and Divorce Jurisdiction Case No. _____

_____ Date of Institution

Petitioner Versus _____

Respondent _____

Co-respondent. To _____ . Whereas _____ has presented a petition/application against you for _____ under section _____ of the Special Marriage Act, 1954 (No. 43 of 1954) (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 recognized 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 _____. By order, District Judge, at _____. Dated _____. Note - Hours of attendance at the Court are from 10 A.M. till 4 P.M. Form B(Rule 16) In the District Court at _____.

Petitioner. Versus _____

Respondent. Petition for the restitution of conjugal rights under section 22 of the Special Marriage Act, 1954 (No. 43 of 1954) The petitioner prays as follows :-

1. The petitioner is the husband/wife of the respondent.

The marriage between the parties was solemnised under Chapter II/Registered under chapter III of the Act by the Marriage Officer of _____ at _____ on _____. A certified copy of the certificate of marriage is attached with this petition.

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				

3. (In this paragraph particulars and place(s) of cohabitation 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 the child is alive or dead should also be stated).

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

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

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

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 proceeding 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 within the local | Parties reside | Parties last resided together | limits of the jurisdiction of this Court.

10. The petitioner therefore 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). Dated _____ Sd. _____ Petitioner. Form C (Rule 16) In the District Court at _____

Petitioner. Versus _____

Respondent. Petition for judicial separation under section 23 of the Special Marriage Act, 1954 (No. 43 of 1954) The petitioner prays as follows :-

1. The petitioner is the husband/wife of the respondent.

The marriage between the parties was solemnised under Chapter II/Registered under chapter III of the Act by the Marriage Officer of _____ at _____ on _____. A certified copy of the certificate of marriage is attached with this petition.

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

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

4. The respondent _____ (here any one or more of the grounds specified in section 27 (other than those specified in clause (I) and (J) of that section) and clause (b) of sub-section (1) of section 23 may be pleaded). The matrimonial offences charged should be set in separate paragraphs, with the 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 adultery) the petitioner has not in any manner been accessory to or connived at or condoned the adultery.

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

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

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

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.

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 proceeding 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 within the local limits of the| husband and wife residehusband and wife last resided together| jurisdiction of this Court.

12. The petitioner therefore prays for a decree of 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 D(Rule 16)In the District Court at

Petitioner.Versus _____ Respondent.Petition for a decree of nullity of marriage under section 24(1) of the Special Marriage Act, 1954 (No. 43 of 1954) (When petitioner is a party to the marriage).The petitioner prays as follows :-

1. The petitioner is the husband/wife of the respondent.

The marriage between the parties was solemnised under Chapter II of the Act by the Marriage Officer of _____ at _____ on _____. A certified copy of the certificate of marriage is attached with this petition.

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

3. (In this paragraph particulars and place (s) of cohabitation 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 the child is alive or dead should also be stated).

4. At the time of the marriage (i)| respondentpetitioner| had a spouse living (ii) the| respondentpetitioner| was an idiot or a lunatic (iii) the respondent, being the husband of the

petitioner had not completed the age of twenty-one years (iv) the respondent being the wife of the petitioner had not completed the age of eighteen years (v) the respondent was impotent and is so on the date of the institution of the suit (vi) the parties were within the prohibited degree of relationship.(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. 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 proceeding with section of the Act	Number and year of the case	Name and location of Court	Result
i.ii.iii.iv.					

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

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

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

9. The marriage was| marriage was solemnised/parties/resideparties last resided together| within the local limits of the jurisdiction of this Court.

or(Where the petition is by a wife domiciled in the territories of India except the State of Jammu and Kashmir).The petitioner is resident within the territories of India, except the State of Jammu and Kashmir and has been ordinarily resident therein for a period of three years immediately preceding the presentation of this petition and the respondent is not resident in the said territories.

10. The petitioner therefore prays that the marriage solemnised between the parties under the Act 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). Sd. _____

Dated _____ Petitioner.

Form E(Rule 16)In the District Court at

Respondent No. 1. Shrimati

Respondent No. 2. Petition for a decree of nullity of marriage
under section 24(1) of the Special Marriage Act, 1954 (No. 43 of 1954) (When petitioner is not a
party to the marriage). The petitioner prays as follows :-

1. A marriage between respondents was solemnised under Chapter II of the Act by the Marriage Officer of _____ at _____ on _____. A certified copy of the certificate of marriage is attached with this petition.

2. The petitioner is related to Respondent(s) No. _____, being _____ (state relationship).

3. 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
(i) Before marriage		
(ii) At the time of filing the petition		

4. (In this paragraph particulars and place(s) of cohabitation 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 the child is alive or dead should also be stated).

5. At the time of the marriage (i) respondent No. _____ had a spouse living (ii) respondent No. _____ was an idiot or a lunatic (iii) respondent No. _____ being the husband of respondent No. _____ had not completed that age of 21 years (iv) respondent No. _____ being the wife of respondent No. _____ had not completed the age of eighteen years (v) respondent No. _____ was impotent and is so on the date of institution of the suit (vi) respondents were within the prohibited degree of relationship.

(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 the times and places of their alleged commission).

6. 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 marriage by or on behalf of the parties :-

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

i.ii.iii.iv.

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

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

9. The marriage was solemnised/the respondents resided the respondents last resided together within the local limit of jurisdiction of this Court.

10. The petitioner therefore prays that the marriage solemnised under Chapter II of the Act between the respondents 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). Sd. _____

Dated _____ Petitioner.

Form F(Rule 16) In the District Court at

Petitioner Versus _____

Respondent. Petition under Section 24(2) of the Special Marriage Act, 1954 (No. 43 of 1954) for having the registration of a marriage under Chapter III of that Act declared to be of no effect. (When the petitioner is a party to the marriage). The petitioner prays as follows :-

1. The petitioner is the husband/wife of the respondent.

The marriage between the parties was registered under Chapter III of the Act by the Marriage Officer of _____ at _____ on _____ and it may be deemed to be a marriage solemnised under the Act by virtue of the provisions of section 18. A certified copy of the certificate of marriage is attached with this petition.

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	

3. [In this paragraph particulars and place(s) of cohabitation 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 the child is alive or dead should also be stated].

4. At the time of the said registration (i) a ceremony of marriage had not been performed between the parties (ii) a ceremony of marriage had been performed between the parties but they had not been living together as husband and wife ever since then

(iii) the| petitionerrespondent| had more than one spouse living (iv) the| petitionerrespondent| was an idiot or a lunatic (v) the| petitionerrespondent| had not completed the age of twenty-one years (vi)the parties were within the degrees of prohibited relationship and (only in case of marriage celebrated before the commencement of the Act) there was no law, custom or usage having the force of law governing each of the parties which permitted a marriage between them.(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 the times and places of their alleged commission).

5. 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 proceeding with section of the Act	Number and year of the case	Name and location of Court	Result
i.ii.iii.iv.					

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

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

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

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

10. The petitioner therefore prays that the registration of the said marriage under Chapter III of the Act may be declared by Court to be of no effect.

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(Rule 16) In the District Court at

_____ Respondent No. 1. Shrimati

_____ Respondent No. 2. Petition under section 24(2) of the Special Marriage Act, 1954 (No. 43 of 1954) for having the registration of a marriage under Chapter III of that Act declared to be of no effect. The petitioner prays as follows :-

1. A marriage between the respondents was registered by the Marriage Officer of _____ at _____ on _____ under Part III of the Act and may be deemed to be a marriage solemnised under the Act by virtue of the provisions of section 18. A certified copy of the certificate of marriage is attached with this petition.

2. The petitioner is related to respondent (s) No. _____, being _____ (state relationship).

3. 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

4. (In this paragraph particulars and place(s) of cohabitation as husband and wife and 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 the child is alive or dead should be stated).

5. At the time of the said registration (i) a ceremony of marriage had not been performed between the respondents (ii) a ceremony of marriage had been performed between the respondents but they had not been living together as husband and wife ever since then (iii) respondent No. _____ had more than one spouse living (iv) respondent No. ____ was an idiot or a lunatic (v) respondent No. ____ had not completed the age of twenty one years (vi) the respondents were within the degree of prohibited relationship and (only in case of marriages celebrated before the commencement of the Act) there was no law, custom or usage having the force of law, governing each of the respondents which permitted a marriage between them.

(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 the times and places of their alleged commission).

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

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

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

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

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

9. The| marriage was solemnised/the parties residethe parties last resided together| within the local limits of the jurisdiction of this court.

10. The petitioner therefore prays that the registration of the marriage between the respondents under Chapter III of the Act may be declared by the court to be of no effect.

Sd. _____ Petitioner. Dated _____ 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 H(Rule 16) In the District Court at _____.

Petitioner. Versus _____

Respondent. Petition for the annulment of a marriage under section 25 of the Special Marriage Act, 1954 (No. 43 of 1954) The petitioner prays as follows :-

1. The petitioner is the husband/wife of the respondent.

The marriage between the parties was solemnised under Chapter II/Registered under Chapter III of the Act by the Marriage Officer of _____ at _____ on _____. A certified copy of the certificate of marriage is attached to this petition.

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			

3. (In this paragraph particulars and place(s) of cohabitation 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 the child is alive or dead should also be stated).

4. The petitioner prays for the annulment of this marriage on the ground(s) that (i) the marriage has not been consummated owing to the wilful refusal of the respondent to consummate it.

(ii) The respondent was at the time of the marriage pregnant by some person other than the petitioner and the petitioner was ignorant of the fact at the time 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 these grounds for a decree and the proceedings have been instituted within a year of the date of the marriage.(iii)The consent of the petitioner to the marriage was obtained by coercion or fraud, as defined in the Indian Contract Act, 1872 (IX of 1872) and within one year of the cessation of the coercion or the discovery of the fraud, as the case may be, the petitioner (a) has instituted the proceedings and (b) has not with his/her free consent lived with the respondent as husband/wife(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. There has not been any unnecessary or improper delay in the institution of the proceedings.

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

7. 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 any party.

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

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

9. The| marriage was solemnised/the parties residethe parties last resided together| within the local limits of the jurisdiction of this court.

or(Where the petition is by a wife domiciled in the territories of India except the State of Jammu and Kashmir). The petitioner is resident within the territories of India, except the State of Jammu and Kashmir and has been ordinarily resident therein for a period of three years immediately preceding the presentation of this petition and the respondent is not resident in the said territories.

10. The petitioner therefore prays that the marriages 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). Sd. _____

Dated _____ Petitioner.

Form I(Rule 16)In the District Court at _____

PetitionerVersus _____

Respondent _____ Co-respondent.Petition

for divorce under section 27 of the Special Marriage Act, 1954 (No. 43 of 1954)The petitioner prays as follows :-

1. The petitioner is the husband/wife of the respondent.

The marriage between the said parties was solemnised under Chapter II/Registered under Chapter III of the Act by the Marriage Officer of _____ at _____ on _____. A certified copy of the certificate of marriage is attached with his petition.

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	

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

4. The respondent has, _____

(One or more of the grounds specified in section 27 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 as distinctly 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 (i) of section 27 is pleaded, the petition should be accompanied by an affidavit that the petitioner has not resumed cohabitation for a period of two years or upwards after passing of the decree for judicial separation against the respondent).

5. (Where the ground of petition is adultery). The petitioner has not in any manner been accessory to or connived at or condoned the adultery.

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 instituting the proceeding.

9. 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 proceeding with section of the Act	Number and year of the case	Name and location of Court	Result
---------	-----------------	--	-----------------------------	----------------------------	--------

i.ii.iii.iv.

10. (In petitions by a husband for divorce on grounds of adultery where damages are claimed against the co-respondent) (Grounds on which the claim to damages is founded should be fully and clearly stated and the amount claimed and the mode of assessment should be specified).

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

12. | The marriage was solemnised/ husband and wife reside husband and wife last resided together | within the local limits of the jurisdiction of this court.

or (Where the petition is by a wife domiciled in the territories of India except the State of Jammu and Kashmir). The petitioner is resident within the territories of India except the State of Jammu and Kashmir and has been ordinarily resident therein for a period of three years immediately preceding the presentation of this petition and the respondent is not resident in the said territories.

13. The petitioner therefore prays that he may be granted a decree of divorce against the respondent, and (to be scored out if unnecessary) may further be granted a decree for recovery of Rs. _____ as damages against the adulterer co-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 J(Rule 16)In the District Court at

(Husband)_____

(Wife)PetitionersPetition for divorce by mutual consent under section 28 of the Special Marriage Act, 1954 (No. 43 of 1954)The petitioners pray together as follows :-

1. A marriage between the petitioners was solemnised registered| under Chapter IIunder Chapter III| of the Act by the Marriage Officer of _____ at _____ on _____.
A certified copy of the certificate of marriage is attached to this petition.

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				

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 the child is alive or dead should also be stated).

4. The petitioners have been living separately for a period of one year or more and have not been able to live together and the petitioners have mutually agreed that the marriage should be dissolved.

5. The consent of either party has not been obtained by force, fraud or undue influence.

6. There is no collusion between the petitioners.

7. 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 proceeding with section of the Act	Number and year of the case	Name and location of Court	Result
i.ii.iii.iv.					

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. The| marriage was solemnisedpetitioners reside/petitioners last resided together| within the local limits of the jurisdiction of this Court.

The petitioners therefore pray for a decree declaring the marriage to be dissolved with effect from the date of the decree.Sd. _____ (Husband)Sd. _____

(Wife)Petitioners.Verification :The above-named petitioner (husband) 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. _____.

_____.(Husband)Petitioner.The above-named petitioner (wife) 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. _____.(Wife)Petitioner.Form K(Rule 16)In the District Court at _____

Applicant.Versus_____

Respondent.Application that a petition for divorce may be allowed to be presented before three years have elapsed since the date of entering of the certificate of marriage in the Marriage Certificate Book under section 29 of the Special Marriage Act, 1954 (No. 43 of 1954)The applicant prays as under :-

1. The applicant is the husband/wife of the respondent.

The marriage between the parties was| solemnised under Chapter IIregistered under Chapter III| of the Act by the Marriage Officer of _____ at _____ on _____, and a certificate of marriage was entered in the Marriage Certificate Book on _____. A certified copy of the certificate of marriage is attached with this application.

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

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

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 child is alive or dead should also be stated).

4. This is a case of (i) exceptional hardship suffered by the applicant (ii) exceptional depravity on the part of the respondent as _____ (state as distinctly as the nature of the case permits the particulars about the exceptional hardship or depravity, as the case may be. The matrimonial offences charged should be set in separate paragraphs with the times and places of their alleged commission).

5. 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 proceeding with section of the Act	Number and year of the case	Name and location of Court	Result
i.ii.iii.iv.					

6. The marriage was solemnised/ parties reside/ parties last resided together/ within the local limits of the jurisdiction of this Court.

or (Where the application is by a wife domiciled in the territories of India except the State of Jammu and Kashmir). The applicant is resident within the territories of India excluding the State of Jammu and Kashmir and has been ordinarily resident therein for a period of three years immediately preceding the presentation of this application and the respondent is not resident in the said territories.

7. The applicant therefore prays that he/she may be allowed to present a petition for divorce before the expiration of three years from the date of marriage.

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

Verified at _____ (Place). Sd. _____

Dated _____ Petitioner.

Form L(Rule 16)In the District Court at _____,Shrimati

_____ Applicant.VersusShri

_____ Respondent.Application for alimony pendente lite under section 36 of the Special Marriage Act, 1954 (No. 43 of 1954)The applicant prays as under :-

1. A proceeding under Chapter V/VI of the Act is pending in this Court between the parties. (Give V/VI, of the Act is pending in this number and title of the case, date of hearing etc.).

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

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

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

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

5. The respondent may be ordered to pay a sum of Rs. _____ as the applicant's expenses of the proceedings and a sum of Rs. _____ monthly/weekly for applicant's support during the proceedings.

(Sd.) Shrimati _____ Applicant.Verification :The above-named applicant states on solemn affirmation that paras 1 to _____ of the application are true to the best of the applicant's information and belief.Verified at _____ (Place).Dated _____ .Sd. _____ Applicant.Form M(Rule 16)In the District Court at _____ .Shrimati

____ Applicant. Versus Shri
____ Respondent. Application for permanent
alimony and maintenance under section 37 of the Special Marriage Act, 1954 (No. 43 of 1954) The
applicant prays as under :-

**1. A proceeding between the parties under Chapter V/VI of the Act like
section of the Act, number and title of case, date of decree or hearing etc.)**

**2. The applicant owns no other movable or immovable property and has no
other source of income except _____ (Give full details of applicant's
property and income, etc.).**

3. The applicant has no sufficient income for her maintenance and support.

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

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

**5. The respondent is able and legally bound to maintain and support the
applicant in a manner befitting his and applicant's social position.**

**6. The applicant has not conducted herself in any manner which would
disentitle her from receiving maintenance and support from the respondent
and has not remarried.**

The applicant prays that the respondent may be ordered to secure to the applicant for maintenance
and support until her death or remarriage gross sum of monthly/yearly Rs. _____ and
(score out, if unnecessary) the said sum should be made a charge on the respondent's property. Sd.

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