Can a person live together after getting divorce?

In India it became a trend that after getting a divorce order from the court, the couples are living together as husband and wife. It happens when the aggrieved parties who get an ex-parte divorce or divorce by mutual consent or even a contested divorce order after some time both the parties pacifies and continue to live as a husband and wife. Law never denies such cohabitation but they cannot claim any legal rights provided under the legislation.

In cases when at the early marriage time due to the dispute between them the parties to the marriage get divorced and in future for the welfare of children’s or on reconciliation they continue to live as husband and wife.

In some cases to obtain foreign citizenship the parties to the marriage divorce and marry a foreign citizen and after obtaining the citizenship they divorce the Foreign citizen and the husband and wife who divorce in India continues to live a life as husband and wife. It is quite common in persons who want to get a foreign job or foreign citizenship or settle in a foreign country.

In such a situation the spouses cannot claim the benefits of husband and wife relationship in any forum or in the society. Even they live as a husband and wife. The divorce order is an obstacle to them. In future if they again built a strained relationship then they cannot approach any legal forum to settle their issues. The supreme court of India in Inderjit Singh Grewal Vs State of Punjab held that when a Husband and wife obtaining divorce by mutual consent, but continued living together. And wife filed a Complaint against husband under Domestic Violence Act. It was held that the Complaint not maintainable as decree of divorce subsisted.

It is a settled legal proposition that where a person gets an order/office by making misrepresentation or playing fraud upon the competent authority, such order cannot be sustained in the eyes of the law as fraud unravels everything. "Equity is always known to defend the law from crafty evasions and new subtleties invented to evade law". It is a trite that "Fraud and justice never dwell together" (fraus et jus nunquam cohabitant). Fraud is an act of deliberate deception with a design to secure something, which is otherwise not due. Fraud and deception are synonymous. "Fraud is an anathema to all equitable principles and any affair tainted with fraud cannot be perpetuated or saved by the application of any equitable doctrine". An act of fraud on court is always viewed seriously as in  *Meghmala v. G. Narasimha Reddy*