

**CRUELTY AS A GROUND FOR DIVORCE OR FOR JUDICIAL
SEPARATION UNDER
THE HINDU MARRIAGE ACT, 1955**

**Justice A. K. Srivastava,
Judge,
Delhi High Court**

Under the Hindu Marriage Act, 1955, as enacted originally, though cruel was one of the grounds for obtaining judicial separation but it was not a ground for obtaining divorce. The word cruelty was not defined in the Act but in Section 10 which dealt with judicial separation the word cruelty was used in a restricting sense because it was provided that either party to a marriage may present petition praying for a decree for judicial separation on the ground that the other party has treated the petitioner with such cruelty as to cause a reasonable apprehension in the mind of the petitioner that it will be harmful or injurious for the petitioner to live with the other party.

Section 13 of the Act deals with divorce. As enacted originally it did not have cruelty as one of the grounds for seeking divorce. The Legislature of Uttar Pradesh wished to include cruelty also as a ground for divorce and with that view in mind by its Act No.13 of 1962, Section 13 of the Hindu Marriage Act was amended to include cruelty as a ground for divorce. The amendment was to the effect that in sub-section (1) of Section 13, after clause (a), clause (i-a) was inserted as under:

“(i-a)- has persistently or repeatedly treated the petitioner with such cruelty as to cause reasonable apprehension in the mind of the petitioner that it will be harmful or injurious for the petitioner to live with the other party, or”

This ground was almost similar to the ground of cruelty under Section 10(1) (b) for judicial separation but one distinction was made and that was that the words “persistently or repeatedly” were added. By this addition cruelty as a ground for divorce was made more strict than what it was for judicial separation.

It appears that except Uttar Pradesh, no other State made any amendment in Section 13 of the Hindu Marriage Act so as to have cruelty as a ground for divorce. It was only in the year 1976 that the Parliament by its Marriage Laws (Amendment) Act amended Section 13 of the Hindu Marriage Act, to make cruelty also a ground for divorce. This amendment extended to the whole of India except the State of Jammu and Kashmir. By this very Amendment Act, Section 10 of the Hindu Marriage Act was also amended in a manner that instead of giving distinct grounds for judicial separation in Section 10 itself, the scheme formulated was that a petition for judicial separation could be made on any of the grounds for divorce specified in sub-

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Student Britannica India 7 Vols Britannica, Basics of Legal Awareness Mr. Rohit Manglik, 2023-06-23 In this book we will study about fundamental legal rights duties and laws that every citizen should be aware of **University of Toronto Faculty of Law Review** ,1974 *Modern Indian Family Law* Werner Menski, 2001 This text presents an overview of the major issues and topics in current developments in Indian family law Indian law has produced a number of very important innovations in the past two decades which are also highly instructive for law reform debates in western and other jurisdictions Topics discussed are marriage divorce polygamy maintenance property and the Uniform Civil Code *The Digest of South African Case Law Containing the Reported Decisions of the Superior Courts* Thomas Graeme Duncan, 1927 **An Almanack for the Year of Our Lord ...** Joseph Whitaker, 1929 **The Law Reports: A-L** Incorporated Council of Law Reporting for England and Wales, 1892 **The Law Times Reports of Cases Decided in the House of Lords, the Privy Council, the Court of Appeal ... [new Series].** ,1874 The Law Journal Reports ,1863 **The Law Times Reports** ,1874 **Justice of the Peace and Local Government Review** ,1859 **The Law Journal** ,1895 The Law Times ,1913 The Law Journal Reports Henry D. Barton, 1863 **Reports of All the Cases Decided by All the Superior Courts Relating to Magistrates, Municipal, and Parochial Law** Great Britain. Magistrates' cases, 1911 *Justice of the Peace* ,1859 The New Hazell Annual and Almanack ,1922 *The Digest of English Case Law Containing the Reported Decisions of the Superior Courts* John Mews, 1898 **Law Journal** ,1916 **Statistical Register** Australia. Commonwealth Bureau of Census and Statistics. New South Wales Office, 1916 Included also as a part of some vols of the office s annual Statistical register until it ceased publication with vol for 1954 55

Cruelty As A Ground For Divorce Or For Judicial Separation Book Review: Unveiling the Magic of Language

In a digital era where connections and knowledge reign supreme, the enchanting power of language has become much more apparent than ever. Its ability to stir emotions, provoke thought, and instigate transformation is truly remarkable. This extraordinary book, aptly titled "**Cruelty As A Ground For Divorce Or For Judicial Separation**," compiled by a highly acclaimed author, immerses readers in a captivating exploration of the significance of language and its profound effect on our existence. Throughout this critique, we shall delve into the book's central themes, evaluate its unique writing style, and assess its overall influence on its readership.

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