

THE HINDU MARRIAGE ACT, 1955

The Petition By Husband For Restitution Of Conjugal Rights

In the court of.....at.....

Matrimonial suit no.....

In the matter of Hindu Marriage Act (XXV of 1955)

And

In the matter of an application under section 9 of the Hindu marriage Act,

And

In the matter of A.B. residing at

.....petitioner

V.

C.D. residing at

.....Respondent

The humble petition of A.B., the petitioner above –named most respectfully sheweth:-

1. That the parties at all material times were and are Hindus.
2. That on or about your petitioner duly and lawfully married the respondent according to the Hindu rites the marriage being solemnized at the premises No..... in the town of within the jurisdiction of this court.
3. That your petitioner resides at No..... within the said jurisdiction and the respondent reside at No.....with the said jurisdiction and that both the petitioner and the respondent are domiciled in India.
4. That the respondent lived with your petitioner for about 6 months after the said marriage.
5. That on or aboutagainst the wish of your petitioner and without any reasonable excuse the

respondent withdrew from the society of your petitioner and deserted him.

6. That there has not been any proceeding in any court in respect of the said marriage either by the petitioner or the respondent.
7. That there is no collusion or connivance between your petitioner and the respondent so far as this proceeding is concerned.
8. That the cause of action arose on or about when the respondent deserted your petitioner.
9. That the suit is valued at Rs.....

Your petitioner therefore humbly prays for a decree....

- (a) That the respondent be ordered to come and live with the petitioner and rendered him conjugal rights.
- (b) Such further and other reliefs as to this court may deem fit and proper.

And your petitioner as in duty bound shall ever pray.

Defence By Wife Of Husband's Claim For Restitution Of Conjugal Rights.

The respondent may take one or more of the following defence.

1. The respondent was not validly married to the petitioner. The following ceremonies which are the most essential ingredient in the marriage of thecaste to which the parties belongs, were not performed (give particular)
2. At the time of respondent left the petitioner's house the petitioner was suffering from venereal disease and he is still suffering from the same.
3. The petitioner after the marriage habitually treated the respondent cruelly by beating her at regular intervals and keeping her confined in a room without providing her with any food and the respondent cannot return to his house without endangering her personal safety.
4. That the petitioner kept a low caste woman as his mistress in the house to live with him as a member of the family and thereby made it impossible for the respondent to live with the petitioner. The petitioner still keeps and maintains the said mistress in his house.

Petition for Judicial Separation.

In the court of at.....

Matrimonial case no. of.....

A.B. (name, description and address)

.....Petitioner

Versus

C.D. (Name, Description and address

.....Respondent

Petition under section 10 of the Hindu Marriage Act, 1955

The petition states as follows:

1. That the petitioner was lawfully married to the respondent onat.....within the jurisdiction of this court accordingly to Hindu rites and ceremonies.
2. That the petitioner and the respondent had been living together at the matrimonial home since the solemnization of marriage till.....
3. That a male child named..... was born on..... at..... of the lawful wedlock of the parties hereto (or if no issue, state that fact)
4. That on the respondent of her own accord left the matrimonial home and since then has been living at the residence of.....
5. That the respondent has no intention to come back and she has deserted the petitioner for a continuous period of over two years.
6. That the cause of action arose on..... when the respondent deserted the petitioner within the jurisdiction of this court.
7. That there is no collusion between the parties hereto and the petitioner has not also condoned the act of the respondent.

The petitioner thereby prays for (a) a decree of judicial separation between the petitioner and the respondent; (b) costs.

Petition for Nullity of marriage.

In the court of.....

In the family court at.....

Matrimonial suit no.....

In the matter of:

The Hindu marriage Act, 1955

And

In the matter of:-

ABPetitioner

Versus

CDRespondent

EF.....co-respondent

Petition under section 11 of the Hindu Marriage Act.

The petitioner states as follows:-

1. That the petitioner and the respondent CD were married according to Hindu rites and customs on at..... Within the jurisdiction of this court.
2. That at the time of the said marriage the petitioner was not aware that the respondent CD is already married to EF, the co-respondent herein.
3. That the petitioner and the respondent have no issue.
4. That the petitioner and the respondent are living separately from each other and there is no collusion between them.
5. That there is no unnecessary delay in instituting this case.
6. That the cause of action in the case arose on..... when the petitioner first came to know that the respondent CD has a spouse living namely EF.

7. That this court has jurisdiction to entertain try and determine the suit.

It is therefore prayed that the marriage between the petitioner and the respondent be declared as null and void by a decree of nullity.

Petition for Annulment of Marriage

In the court of.....

In the family court at.....

Matrimonial suit no.....

In the matter of:

The Hindu marriage Act, 1955

And

In the matter of:-

ABPetitioner

Versus

CDRespondent

Petition under section 12 of the Hindu Marriage Act.

The petitioner state as follows:-

1. That the petitioner and the respondent CD were married according to Hindu rites and customs on atwithin the jurisdiction of this court.
2. That after the said marriage between the parties herein the petitioner has discovered that the respondent is impotent and consequently the marriage was not consummated.
3. That the petitioner and the respondent are living separately from each other and there is no collusion between them.
4. That there is no unnecessary delay in institution this case.
5. That the cause of action in the case arose on..... when the petitioner discovered that the respondent is impotent.
6. That this court has jurisdiction entertain, try and determine the suit.

It is therefore prayed that the marriage between the parties herein be annulled by a decree of nullity.

Petition for Divorce

In the court of..... at
Matrimonial case no.....20

AB (Name, description and address)..... Petitioner

Versus

CD (Name, description and address). . . Respondent

Petition under Section 13 of the Hindu Marriage Act,
1955.

The petitioner states as follows:

1. That the petitioner was married to the respondent on.
. at. within
the jurisdiction of the Court according to Hindu rites
and ceremonies and they are governed by the Hindu
Marriage Act, 1955
2. That both the petitioner and the respondent lived
together immediately after solemnization of their
marriage at the matrimonial home at. as
man and wife. They last resided at.
from. to.
3. That a male child was bom of their lawful wedlock on. .
.
4. That the respondent has renounced the world by
entering into a religious order and has become a
sanyasi by leaving the matrimonial home permanently
on.
5. That there is no collusion between the petitioner and
the respondent.
6. That the cause of action arose on..... When the
respondent had permanently left the matrimonial home
on entering into the religious order as aforesaid.
7. That this Court has jurisdiction to entertain, try and
determine this matter.
8. That a court fee of Rs..... Has been paid in
accordance with law.

The petitioner therefore prays that a decree of divorce be granted to the petitioner against the respondent by dissolution of their marriage.

Petition for Divorce by Mutual Consent

In the Court of..... at.

Matrimonial Suit no..... of 200

AB (Name, description and address)... Petitioner No. 1

CD (Name, description and address)..... Petitioner No. 2

Petition under Section 13 B of the Hindu Marriage Act. 1955.

The Petitioners state as follows:

1. That the petitioners were married to each other on. According to Hindu rites and ceremonies within the jurisdiction of this Court.
2. That owing to incompatibility of temperaments between the petitioners they could not pull on well in matrimonial life. They have also not been able to live together
3. That the petitioners have been living separately for more than one year.
4. That there is no issue of the petitioners. .
5. That the petitioners have mutually agreed that their marriage should be dissolved.
6. That this Court has jurisdiction and the Court fees have been paid according to law.

It is therefore prayed that a decree of divorce dissolving the marriage of the petitioners be granted.

Petition for maintenance Pendente Lite

In the court of at...

(Matrimonial Jurisdiction)

Matrimonial Suit No. of.....

AB (Name, description and address).

.....Petitioner

Versus

CD OName, description and address)

.... Respondent

Petition Under Section 24 of the Hindu Marriage Act,
1955.

The petitioner states:

1. That the petitioner has filed petition for divorce against the respondent husband inter alia on the ground of a cruelty and it is pending in this court.
2. That the petitioner has no independent income and is living with her parents.
3. That the respondent is a businessman and has a monthly income of at least Rs. 1.500 and is also leading a luxurious life.
4. That it is incumbent upon the respondent to maintain the petitioner during the pendency of the said proceedings.

It is therefore prayed that the respondent be directed to pay the the petitioner a sum of Rs..... per month for her maintenance pendete lite and a sum of Rs..... for expenses for the proceeding pending in this court.

Petition for Custody of a Child

In the court ofat.....

(Matrimonial Jurisdiction)

Matrimonial suit no.....of.....

AB (Name, Description and Address)

.....petitioner

Versus

CD (Name, Description and Address)

.....Respondent

The petitioner state:

1. That the petitioner has filed a petition for divorce against the respondent inter alia on the ground of cruelty and it is pending in this case.
2. That a male child namedwas born to the parties to the proceeding on.....
3. That the respondent is neglecting to look after the welfare of the said child.
4. That the respondent has been forcibly resisting the said child to come and live with the petitioner
5. In the premises aforesaid the petitioner is entitled to custody of the said child.

It is therefore prayed that court may be graciously pleased to pass

(a) Order for custody of, the male child to the petitioner

(b) Interim order in terms of prayer (a)

(c) Order of costs.