
**CHRISTIAN MARRIAGE
AND DIVORCE ACT, 1957**

(Act No. III of 1957)

**THE JAMMU AND KASHMIR CHRISTIAN MARRIAGE AND
DIVORCE ACT, 1957**

Act No. III of 1956

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Amendment made by.—

1. Act No. X of 2013.

**THE JAMMU AND KASHMIR CHRISTIAN MARRIAGE AND DIVORCE
ACT, 1957**

Act No. III of 1957

*[Received the assent of the Sadar-i-Riyasat on 17th January, 1957,
published in the Government Gazette dated 18th May, 1957.]*

**An act to provide for the solemnisation of marriages and for divorce
among professing the Christian religion.**

Be it enacted by the Jammu and Kashmir State Legislature in the
Seventh Year of the republic of India as follows :—

CHAPTER I

PRELIMINARY

1. *Short title and extent.*—(1) This Act may be called the Jammu and
Kashmir Christian Marriage and Divorce Act, 1957.

(2) It shall extend to the whole of the Jammu and Kashmir State.

2. *Interpretation clause.*—In this Act, unless there is something
repugnant in the subject or context.

- (i) “Bigamy with adultery” means adultery with the same woman with
whom the bigamy was committed ;
- (ii) “Christians” means persons professing the Christian religion ;
- (iii) “Church” includes any Chapal or other building generally used
for public Christian worship ;
- (iv) “Church of England” and “Anglican” means and apply to the
Church of England as by law established.
- (v) “Church of Rome” and “Roman Catholic” means and apply
to the Church which regards the Pope of Rome as its
spiritual head ;

- (vi) "Church of Scotland" means the church of Scotland as by law established ;
- (vii) "Desertion" implies an abandonment against the wish of the person charging it ; and
- (viii) "District Court" means the principal Civil Court of original jurisdiction ;
- (ix) "Incestuous adultery" means adultery committed by a husband with a woman with whom, if his wife were dead, he could not lawfully contract marriage by reason of her being within the prohibited degree of consanguinity (whether natural or legal) or affinity ;
- (x) "Indian Christian" includes the Christian descendants of natives of India converted to Christianity, as well as such converts ;
- (xi) "Marriage with another woman" means marriage of any person being married, to any other person, during the life of the former wife whether the second marriage shall have taken place within the State or elsewhere ;
- (xii) "Minor" means a person who has not completed the age of twenty-one years and who is not a widower or a widow ;
- (xiii) "Minor Children" means, in the case of sons of native fathers, boys who have not completed the age of sixteen years, and in the case of daughters of native fathers, girls who have not completed the age of thirteen years ; in other cases it means unmarried children who have not completed the age of eighteen years ;
- (xiv) "Property" includes, in the case of a wife, any property to which she is entitled for an estate in remainder or reversion, or as a trustee, executrix or administratrix and the date of the death of the testator or interest shall be deemed to be the time at which any such wife becomes entitled as executrix or administratrix.

CHAPTER II

THE PERSONS BY WHOM MARRIAGES MAY BE SOLEMNISED

3. *Marriages to be solemnised according to Act.*—Every marriage between persons, one or both of whom is or are Christian or Christians, shall be solemnised in accordance with the provisions of the next following section; and any such marriage solemnised otherwise than in accordance with such provisions shall be void.

4. *Persons by whom marriages may be solemnised.*—Marriages may be solemnised in the Jammu and Kashmir State—

(1) by any person who has received episcopal ordination, provided that the marriage be solemnised according to the rules, rites, ceremonies and customs of the Church of which he is a Minister ;

(2) by any Clergyman of the Church of Scotland, provided that such marriage be solemnised according to the rules, rites, ceremonies and customs of the Church of Scotland ;

(3) by any Minister of Religion licenced under this Act to solemnise marriages ;

(4) by iron the presence of a Marriage Registrar appointed under this Act ;

(5) by any person licensed under this Act to grant certificates of marriage between Indian Christian.

5. *Grant of revocation of licences to solemnise marriage.*—The Government may, by notification in the Government Gazette, grant licences to Ministers of Religion to solemnise marriages within the State and may, by a like notification, revoke such licence.

6. *Registrar General.*—(1) For the purposes of this Act the Government shall appoint an officer to be the Registrar General of Christian Marriages for the Jammu and Kashmir State :

Provided that the Government may, instead of making such appointment direct that all or any of the powers and duties hereinafter conferred and

imposed upon the Registrar General shall be exercised and performed by such officer as the Government appoint in this behalf.

7. *Marriage registrars.*—The Government may appoint a Christian, either by name or as holding any office for the time being, to be the Marriage Registrar for any district.

Magistrate when to be Marriage Registrar.—When the Marriage Registrar of a district is absent from such district or ill, or when his office is temporarily vacant, the Magistrate of the district shall act as, and be, Marriage Registrar thereof during such absence, illness or temporary vacancy.

8. *Licensing of persons to grant certificates of marriage between Indian Christians.*—The Government may grant a licence to any Christian, either by name or as holding any office for the time being, authorising him to grant certificate of marriages between Indian Christians.

Any such licence may be revoked by the authority by which it was granted, and every such grant or revocation shall be notified in the Government Gazette.

CHAPTER III

TIME AND PLACE AT WHICH MARRIAGES MAY BE SOLEMNISED

9. *Time for solemnizing marriage.*—Every marriage under this Act shall be solemnised between the hours of six in the morning and seven in the evening :

Exceptions.—Provided that nothing in this section shall apply to—

(1) a Clergyman of the Church of England solemnising a marriage under a special licence permitting him to do so at any hour other than between six in the morning and seven in the evening under the hand and seal of the Anglican Bishop of the Diocese or his Commissary, or

(2) a Clergyman of the Church of Rome solemnising a marriage between the hours of seven in the evening and six in the morning, when he has

received a general or special licence in that behalf from the Roman Catholic Bishop of the Diocese or Vicariate in which such marriage is so solemnised, or from such person as the same Bishop has authorized to grant such licence, or

(3) a Clergyman of the Church of Scotland solemnising a marriage according to the rules, rites, ceremonies and customs of the Church of Scotland.

10. *Place for solemnising marriage.*—No Clergyman of the Church of England shall solemnise a marriage in any place other than a Church where worship is generally held according to the forms of the Church of England,

unless there is no such Church within five miles distance by the shortest road from such place, or

unless he has received a special licence authorising him to do so under the hand and seal of the Anglican Bishop of the Diocese or his Commissary.

Fee for special licence.—For such special licence, the Registrar of the Diocese may charge such additional fee as the said Bishop from time to time authorises.

CHAPTER IV

MARRIAGES SOLEMNISED BY MINISTERS OF RELIGION LICENSED UNDER THIS ACT

11. *Notice of intended marriage.*—Whenever a marriage is intended to be solemnised by a Minister of Religion licensed to solemnise marriages under this Act.—

One of the persons intending marriage shall give notice in writing according to the form contained in the First Schedule hereto annexed, or to the like effect, to the Minister of Religion whom he or she desires to solemnise the marriage, and shall state therein—

(a) the name and surname, and the profession or condition, of each of the persons intending marriage,

(b) the dwelling place of each of them,

(c) the time during which each has dwelt there, and

(d) the Church or private dwelling in which the marriage is to be solemnised :

Provided that, if either of such persons had dwelt in the place mentioned in the notice during more than one month, it may be stated therein that he or she has dwelt there one month and upwards.

12. *Publication of such notice.*—If the persons intending marriage desire it to be solemnised in a particular Church, and if the Minister of religion to whom such notice has been delivered be entitled to officiate therein, he shall cause the notice to be affixed in some conspicuous part of such Church.

Return or transfer of notice.—But if he is not entitled to officiate as a Minister in such church, he shall, at his option, either return the notice to the person who delivered it to him, or deliver it to some other Minister on titled to officiate therein, who shall thereupon cause the notice to be affixed as aforesaid.

13. *Notice of intended marriage in private dwelling.*—If it be intended that the marriage shall be solemnised in a private dwelling the Minister of Religion on receiving the notice prescribed in section 11, shall forward it to the Marriage registrar of the district who shall affix the same to some conspicuous place in his own office.

14. *Sending copy of notice to Marriage Registrar when one party is a minor.*—When one of the persons intending marriage is a minor, every Minister receiving such notice shall, unless within twenty four hours after its receipt he returns the same under the provisions of section 12, send by the post or otherwise a copy of such notice to the Marriage Registrar of the district.

15. *Procedure on receipt of notice.*—The Marriage Registrar, on receiving any such notice, shall affix it to some conspicuous place in his own office.

16. *Issue of certificate of notice given and declaration made.*—Any Minister of Religion consenting or intending to solemnise any such marriage as aforesaid, shall, on being required so to do by or on behalf of the person

by whom the notice was given, and upon one of the persons intending marriage making the declaration hereinafter required, issue under his hand a certificate of such notice having been given and of such declaration having been made :

Provided—

(1) that no such certificate shall be issued until the expiration of four days after the date of the receipt of the notice by such Minister ;

(2) that no lawful impediment be shown to his satisfaction why such certificate should not issue ; and

(3) that the issue of such certificate has not been forbidden, in manner hereinafter mentioned, by any person authorised in that behalf.

¹[17. *Declaration before issuance of certificate.*—The certificate mentioned in section 16 shall not be issued until one of the persons intending marriage has appeared personally before the Minister and made a solemn declaration that he or she believes that there is no impediment of kindred or affinity or other lawful hinderance to the said marriage].

²[x x x.]

³[21. *Refusal of certificate in case of minority.*—When either of the persons intending marriage is a minor, the Minister shall not issue a certificate as required under section 16].

22. *Issue of certificates to Indian Christians.*—When any Indian Christian about to be married takes a notice of marriage to a Minister of Religion, or applies for a certificate from such Minister under section 16, such Minister shall, before issuing the certificate, ascertain whether such Indian Christian is cognizant of the purport and effect of the said notice or certificate, as the case may be, and if not, shall translate or cause to be

1. Section 17 substituted by Act No. X of 2013, s. 8

2. Sections 18, 19 and 20 omitted *ibid*, s. 9.

3. Section 21 substituted *ibid*, s. 10.

translated the notice or certificate to such Indian Christian into some language which he understands.

23. *Form of certificate.*—The certificate to be issued by such Minister shall be in the form contained in the second schedule hereto annexed, or to the like effect.

24. *Solemnisation of marriage.*—After the issue of the certificate by the Minister, marriage may be solemnised between the persons therein described according to such form or ceremony as the Minister thinks fit to adopt :

Provided that the marriage be solemnised in the presence of at least two witnesses besides the Minister.

25. *Certificate void if marriage not solemnised within two months.*—Whenever a marriage is not solemnised within two months after the date of the certificate issued by such Minister as aforesaid, such certificate and all proceedings (if any) thereon shall be void,

and no person shall proceed to solemnise the said marriage until new notice has been given and certificate thereof issued in manner aforesaid.

CHAPTER V

REGISTRATION OF MARRIAGES SOLEMNISED BY MINISTER OF RELIGION

26. *Marriages when to be registered.*—All marriages hereafter solemnised in the Jammu and Kashmir State between persons one or both of whom professes or profess the Christian religion, except marriages solemnised under Chapter VI or Chapter VII of this Act, shall be registered in manner hereinafter prescribed.

27. *Registration of marriages solemnised by Clergymen of Church of England.*—Every Clergyman of the Church of England shall keep a register of marriages and shall register therein, according to the tabular form set fourth in the third schedule hereto annexed every marriage which he solemnises

under this Act.

28. *Quarterly return to Archdeaconry.*—Every Clergyman of the Church of England shall send four times in every year returns in duplicate, authenticated by his signature, of the entries in the register of marriages solemnised at any place where he has any spiritual charge, to the Registrar of the Archdeaconry to which he is subject, or within the limits of which such place is situate.

Contents of returns.—Such quarterly returns shall contain all the entries of marriages contained in the said register from the first day of January to the thirty-first day of March, from the first day of April to the thirtieth day of June, from the first day of July to the thirtieth day of September, and from the first day of October to the thirty-first day of December, of each year respectively, and shall be sent by such Clergyman within two weeks from the expiration of each of the quarters above specified.

The said Registrar upon receiving the said returns shall send one copy thereof to the Registrar General.

29. *Registration and returns of marriages solemnised by the Clergymen of Church of Rome.*—Every marriage solemnised by a Clergyman of the Church of Rome shall be registered by the person and according to the form directed in that behalf by the Roman Catholic Bishop of the Diocese or Vicariate in which such marriage is solemnised,

and such person shall forward quarterly to the Registrar General returns of the entries of all marriages registered by him during the three months next proceeding.

30. *Registration and returns of marriages solemnised by Clergymen of Church of Scotland.*—Every Clergyman of the church of Scotland shall keep a register of marriages, and shall register therein, according to the tabular form set forth in the third schedule hereto annexed every marriage which he solemnise under this Act, and shall forward quarterly to the Registrar general through the Senior Chaplain of the Church of Scotland, returns, similar to those prescribed in section 28, of all such marriages.

31. *Certain marriages to be registered in duplicate.*—Every marriage solemnised by any person who has received episcopal ordination, but who is not a Clergyman of the Church of England, or of the Church of Rome, or by any Minister of religion licensed under this Act to solemnise marriages, shall immediately after the solemnisation thereof, be registered in duplicate by the person solemnising the same ; (that is to say) in a marriage-register-book to be kept by him for that purpose, according to the form contained in the fourth schedule hereto annexed, and also in a certificate attached to the marriage-register-book as a counterfoil.

32. *Entries of such marriages to be signed and attested.*—The entry of such marriage in both the certificate and marriage-register-book shall be signed by the person solemnising the marriage and also by the persons married and shall be attested by two credible witnesses, other than the person solemnising the marriage, present at its solemnisation.

Every such entry shall be made in order from the beginning to the end of the book, and the number of the certificate shall correspond with that of the entry in the marriage-register-book.

33. *Certificate to be forwarded to Marriage Registrar, copied and sent to Registrar General.*—The person solemnising the marriage shall forthwith, separate the certificate from the marriage-register-book and send it, within one month from the time of solemnisation, to the Marriage Registrar of the district in which the marriage was solemnised, who shall cause such certificates to be copied into a book to be kept by him for that purpose, and shall send all the certificates which he has received during the month, with such number and signature or initials added thereto as are hereinafter required, to the Registrar General.

34. *Copies of certificates to be entered and numbered.*—Such copies shall be entered in order from the beginning to the end of the said book, and shall bear both the number of the certificate as copied, and also a number to be entered by the marriage Registrar, indicating the number of the entry of the said copy in the said book, according to the order in which he receives

each certificate.

35. *Registrar to add number of entry to certificate, and send to Registrar General.*—The marriage Registrar shall also add such last mentioned number of the entry of the copy in the book to the certificate, with his signature or initials, and shall, at the end of every month, send the same to the Registrar General.

36. *Registration of marriages between Indian Christians by persons referred to in clauses (1), (2) and (3) of section 4.*—When any marriage between Indian Christians is solemnised by any such person, Clergyman or Minister of Religion as is referred to in clause (1), clause (2) or clause (3) of section 4, the person solemnising the same shall, instead of proceeding in the manner provided by sections 27 to 35, both inclusive, register the marriage in a separate register-book, and shall keep it safely until it is filled, or if he leaves the district in which he solemnised the marriage before the said book is filled shall make over the same to the person succeeding to his duties in the said district.

Custody and disposal of register-book.—Whoever has the control of the book at the time when it is filled, shall send it to the Marriage Registrar of the district, who shall send it to the Registrar General to be kept by him with the record of his office.

CHAPTER VI

MARRIAGE SOLEMNISED BY, OR IN THE PRESENCE OF A MARRIAGE REGISTRAR

37. *Notice of intended marriage before Marriage Registrar.*—When a marriage is intended to be solemnised by, or in the presence of, a marriage Registrar, one of the parties to such marriage shall give notice in writing in the form contained in the first schedule hereto annexed, or to the like effect, to the marriage Registrar of the District within which the parties have dwelt ;

or, if the parties dwell in different districts, shall give the like notice to the marriage Registrar of each district,

and shall state therein the name and surname, and the profession or condition of each of the parties intending marriage, the dwelling place of each of them, the time during which each has dwelt therein, and the place at which the marriage is to be solemnised :

Provided that, if either party has dwelt in the place stated in the notice for more than one month, it may be stated therein that he or she has dwelt there one month and upwards.

38. *Publication of Notice.*—Every Marriage Registrar shall, on receiving any such notice, cause a copy thereof to be affixed in some conspicuous place in his office.

39. *Notice to be filed and copy entered in Marriage Notice Book.*—The Marriage Registrar shall file all such notices and keep them with the records of his office,

and shall also forthwith enter a true copy of all such notices in a book to be furnished to him for that purpose by the Government and to be called the “Marriage Notice Book” ; and the Marriage Notice Book shall be open at all reasonable times, without fee, to all persons desirous of inspecting the same.

40. *Certificate of notice given, and oath made.*—If the party whom the notice was given requests the marriage Registrar to issue the certificate next hereinafter mentioned, and if one of the parties intending marriage has made oath as hereinafter required, the Marriage Registrar shall issue under his hand a certificate of such notice having been given and of such oath having been made :

Provided—

that no lawful impediment be shown to his satisfaction why such certificate should not issue ;

that the issue of such certificate has not been forbidden in manner

hereinafter, mentioned, by any person authorised in that behalf by this Act ;

that four days after the receipt of the notice have expired ; and further ;

that where, by such oath, it appears that one of the parties intending marriage is a minor, fourteen days after the entry of such notice have expired.

41. *Oath before issue of certificate.*—The certificate mentioned in section 40 shall not be issued by any Marriage Registrar, until one of the parties intending marriage appears personally before such Marriage Registrar, and makes oath—

(a) that he or she believes that there is not any impediment of kindred or affinity, or other lawful hindrance, to the said marriage, and

(b) that both the parties have, or (where they dwelt in the districts of different Marriage Registrars) that the party making such oath has, had their, his or her usual place of abode within the district of such Marriage Registrar.

¹[x x x x]

²[(c) x x x x].

³[x x x x.]

44. *Petition when Marriage Registrar refuses certificate.*—Whenever a Marriage Registrar refuses to issue a certificate under this Chapter, either of the parties intending marriage may apply by petition to the District Court.

Procedure on petition.—The District Court may examine the allegations of the petition in a summary way, and shall decide thereon.

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1. Words “and, where either or each of the parties is a minor” omitted by Act No. X of 2013, s. 11.
 2. Clause (c) of section 41 omitted *ibid.*
 3. Sections 42 and 43 omitted *ibid.*, s. 12.

The decision of the District Court shall be final, and the Marriage Registrar to whom the application for the issue of a certificate was originally made shall proceed in accordance therewith.

1[45. x x x x].

1[46. x x x x].

47. *Form of certificate.*—The certificate to be issued by the Marriage Registrar under the provisions of section 40 shall be in the form contained in the second schedule to this Act annexed or to the like effect, and the Government shall furnish to every Marriage Registrar a sufficient number of forms of certificate.

48. *Solemnization of marriage after issue of certificate.*—After the issue of the certificate of the Marriage Registrar,

or, where notice is required to be given under this Act to the marriage Registrars for different districts, after the issue of the certificates of the Marriage Registrars for such districts,

marriage may, if there be no lawful impediment to the marriage of the parties described in such certificate or certificates, be solemnised between them, according to such form and ceremony as they think fit to adopt.

But every such marriage shall be solemnised in the presence of some Marriage Registrar (to whom shall be delivered such certificate or certificates as aforesaid), and of two or more credible witnesses besides the Marriage Registrar.

And in some part of the ceremony each of the parties shall declare as follows, or to the like effect :—

“I do solemnly declare that I know not of any lawful impediment why

1. Sections 45 and 46 omitted by Act no. X of 2013, s. 12.

I., A. B., may not be joined in matrimony to C. D.”

And each of the parties shall say to the other as follows or to the like effect :—“I call upon these persons here present to witness that I., A. B., do take the C. D., to be my lawful wedded wife or husband.”.

49. *When marriage not had within two months after notice, new notice required.*—Whenever a marriage is not solemnised within two months after the copy of the notice has been entered by the Marriage Registrar, as required by section 39, the notice and the certificate, if any, issued thereupon, and all other proceedings thereupon, shall be void ;

and no person shall proceed to solemnise the marriage nor shall any Marriage Registrar, enter the same, until new notice has been given, and entry made and certificate thereof given at the time and in the manner aforesaid.

50. *Marriage Registrar may ask for particulars to be registered.*—A Marriage Registrar before whom any marriage is solemnised under this Chapter may ask of the persons to be married the several particulars required to be registered touching such marriage.

51. *Registration of marriage solemnised under Chapter VI.*—After the solemnisation of any marriage under this Chapter, the Marriage Registrar present at such solemnisation shall forthwith register the marriage in duplicate ; that is to say, in a marriage-register-book, according to the form of the fourth schedule hereto annexed, and also in a certificate attached to the marriage-register-book as a counterfoil.

The entry of such marriage in both the certificate and the marriage-register-book shall be signed by the person by or before whom the marriage has been solemnised, if there be any such person, and by the Marriage Registrar present at such marriage, whether or not it is solemnised by him, and also by the parties married, and attested by two credible witnesses other than the Marriage Registrar and person solemnising the marriage.

Every such entry shall be made in order from the beginning to the end of the book and the number of the certificate shall correspond with that of

the entry in the marriage-register-book.

52. *Certificates to be sent monthly to Registrar General.*—The Marriage Registrar shall forth with separate the certificate from the marriage-register-book and send it, at the end of every month, to the Registrar General.

Custody of register-book.—The Marriage Registrar shall keep safely the said register-book until it is filled, and shall then send it to the Registrar General, to be kept by him with the records of his office.

53. *Registrars to ascertain that notice and certificate are understood by Indian Christians.*—When any Indian Christian about to be married gives a notice of marriage, or applies for a certificate from a Marriage Registrar, such Marriage Registrar shall ascertain whether the said Indian Christian understands the English language and, if he does not, the marriage Registrar shall translate, or cause to be translated, such notice or certificate, or both of them, as the case may be, to such Indian Christian into a language which he understands ;

or the Marriage Registrar shall otherwise ascertain whether the Indian Christian is cognizant of the purport and effect of the said notice and certificate.

54. *Indian Christian to be made to understand declarations.*—When any Indian Christian is married under the provisions of this Chapter, the person solemnising the marriage shall ascertain whether such Indian Christian understands the English language and, if he does not, the person solemnising the marriage shall, at the time of the solemnisation, translate, or cause to be translated, to such Indian Christian, into a language which he understand, the declarations made at such marriage in accordance with the provisions of this Act.

55. *Registration of marriages between Indian Christians.*—The registration of marriages between Indian Christians under this Chapter shall be made in conformity with the rules laid down in section 36 (so far as they are applicable), and not otherwise.

CHAPTER VII

MARRIAGE OF INDIAN CHRISTIANS

56. *On what conditions marriages of Indian Christians may be certified.*—Every marriage between Indian Christians applying for a certificate, shall, without the preliminary notice required under Chapter IV, be certified under this Chapter, if the following conditions be fulfilled and not otherwise :—

(1) the age of the man intending to be married shall exceed ¹[twenty-one years], and the age of the woman intending to be married shall exceed ²[eighteen years] ;

(2) neither of the persons intending to be married shall have a wife or husband still living ;

(3) in the presence of a person licensed under section 8, and of at least two credible witnesses other than such person, each of the parties shall say to the other—

“I call upon these persons here present to witness that I, A. B., in the presence of Almighty God, and in the name of our Lord Jesus Christ, do take the, C. D., to be my lawful wedded wife or husband” or words to the like effect :

³[Provided that no marriage shall be certified under this Chapter when the parties intending to be married have not completed twenty-first year in case of man, and eighteenth year in case of a woman].

57. *Grant of certificate.*—When, in respect to any marriage solemnised under this Chapter the conditions prescribed in section 56 have been fulfilled, the person licensed as aforesaid, in whose presence the said declaration has been made, shall, on the application of either of the parties to such marriage and on the payment of a fee of twenty-five paise, grant a certificate of the marriage.

1. Substituted for “sixteen years” by Act No. X of 2013, s. 13.

2. Substituted *ibid* for “thirteen years”.

3. Proviso substituted *ibid*.

The certificate shall be signed by such licensed person, and shall be received in any suit touching the validity of such marriage as conclusive proof of its having been performed.

58. *Keeping of register-book and deposit of extracts therefrom with Registrar General.*—(1) Every person licensed under section 8 shall keep in English, or in the Vernacular language in ordinary use in the State and in such forms as the Government may from time to time prescribe, a register-book of all marriages solemnised under this Chapter in his presence, and shall deposit in the office of the Registrar General in such form and at such intervals as the Government may prescribe, true and duly authenticated extracts from his register-book of all entries made therein since the last of those intervals.

59. *Searches in register-book and copies of entries.*—Every person licensed under this Act to grant certificates of marriage, and keeping a marriage register-book under section 58 shall, at all reasonable times allow search to be made in such book and shall, on payment of the proper fee, give a copy, certified under his hand, of any entry therein.

60. *Books in which marriages of Indian Christians under Chapter II or Chapter IV are registered.*—The provisions of section 58 and 59 as to the form of the register-book, depositing extracts therefrom, allowing searches thereof, and giving copies of the entries therein, shall, **mutatis mutandis**, apply to the books kept under section 36.

61. *Chapter VII not to apply to Roman Catholics.*—This chapter, except so much of sections 58 and 59 as are referred to in section 60, shall not apply to marriages between Roman Catholics.

CHAPTER VIII

PENALTIES

62. *False oath, declaration, notice or certificate for procuring marriage.*—Whoever, for the purpose of procuring a marriage or licence of marriage, intentionally,—

(a) where an oath or declaration is required by this Act, or by any rule or custom of a Church according to the rites and ceremonies of which a marriage is intended to be solemnised, such Church being the Church of England or of Scotland or of Rome, makes a false oath or declaration, or

(b) where a notice or certificate is required by this Act, signs a false notice or certificate,

shall be deemed to have committed the offence punishable under section 193 of the Ranbir Penal Code (XII of 1989) with imprisonment of either description for a term which may extend to three years and, at the discretion of the Court, with fine.

63. *Forbidding, by false personation, issue of certificate by Marriage Registrar.*—Whoever forbids the issue, by a Marriage Registrar, of a certificate, by falsely representing himself to be a person whose consent to the marriage is required by law, knowing or believing such representation to be false, or not having reason to believe it to be true, shall be deemed guilty of the offence described in section 205 of the Ranbir Penal Code (XII of 1989).

64. *Solemnising marriage without due authority.*—Whoever, not being authorised by section 4 of this Act to solemnise marriages, solemnises or professes to solemnise in the absence of a Marriage Registrar of the district in which the ceremony takes place, a marriage Registrar of the district in which the ceremony takes place, a marriage between persons one or both of whom is or are a Christian or Christians, shall be punished with imprisonment which may extend to ten years, and shall also be liable to fine.

65. *Solemnising marriage out of proper time, or without witnesses.*—Whoever knowingly and wilfully solemnises a marriage between persons, one or both of whom is or are a Christian or Christians, at any time other than between the hours of six in the morning and seven in the evening, or in the absence of at least two credible witnesses other than the person solemnising the marriage, shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

Saving of marriages solemnised under special licence.—This section

does not apply to marriages solemnised under special licences granted by the Anglican Bishop of the Diocese or by his Commissary, nor to marriages performed between the hours of seven in the evening and six in the morning by a Clergyman of the Church of Rome, when he has received the general or special licence in that behalf mentioned in section 9.

Nor does this section apply to marriages solemnised by a Clergyman of the Church of Scotland according to the rules, rites, ceremonies and customs of the church of Scotland.

66. *Solemnising, without notice or within fourteen days after notice marriage with minor.*—Any Minister of Religion licensed to solemnise marriages under this Act, who without a notice in writing, or when one of the parties to the marriage is a minor, and the required consent of the parents or guardians to such marriage has not been obtained, within fourteen days after the receipt by him of notice of such marriage, knowingly and wilfully solemnises a marriage under Chapter IV, shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

67. *A marriage Registrar under this Act, who commits any of the following offences :—*

(1) *issuing certificate, or marrying without publication of notice.*—Knowingly and wilfully issues and certificate for marriage, or solemnises any marriage, without publishing the notice of such marriage as directed by this Act ;

(2) *marrying after expiry of notice.*—After the expiration of two months after the copy of the notice has been entered as required by section 39 in respect of any marriage, solemnises such marriage ;

(3) *solemnising marriage with minor within fourteen days without authority of Court or without sending copy of notice.*—Solemnises, without any order of a competent court authorising him to do so, any marriage, when one of the parties is a minor, before the expiration of fourteen days after the receipt of the notice of such marriage ;

(4) *issuing certificate against authorised prohibition.*—Issues any certificate the issue of which has been prohibited, as in this Act provided, by any person authorised to prohibit the issue thereof ;

shall be punished with imprisonment for a term which may extend to five years, and shall also be liable to fine.

68. *Issuing certificate after expiry of notice, or in case of minor, within fourteen days after notice, or against authorised prohibition.*—Any Marriage Registrar knowingly and wilfully issuing any certificate for marriage after the expiration of two months after the notice has been entered by him as aforesaid, or

knowingly and wilfully issuing without the order of a competent Court authorising him so to do, any certificate for marriage, where one or the parties intending marriage is a minor, before the expiration of fourteen days after the entry of such notice, or any certificate the issue of which has been forbidden as aforesaid by any person authorised in this behalf,

shall be deemed to have committed an offence under section 166 of the Ranbir Penal Code (XII of 1989).

69. *Persons authorised to solemnise marriage (other than clergy of Churches of England, Scotland or Rome.*—Whoever, being authorised under this Act to solemnise a marriage,

and not being a Clergyman of the Church of England solemnising a marriage after due publication of banns, or under a licence from the Anglican Bishop of the Diocese or a Surrogate duly authorised in that behalf, or

not being a Clergyman of the Church of Scotland, solemnising a marriage according to the rules, rites, ceremonies and customs of that Church, or

not being a Clergyman of the Church of Rome, solemnising a marriage according to the rites, rules ceremonies and customs of that Church,

issuing certificate, or marrying without publishing notice or after expiry of certificate.—Knowingly and wilfully issues any certificate for marriage under this Act, or solemnises any marriage between such persons as aforesaid, without publishing, or causing to be affixed the notice of such marriage as directed in Chapter IV of this Act, or after the expiration of two months after the certificate has been issued by him ;

issuing certificate for, or solemnising, marriage with minor within fourteen days after notice.—Or knowing and wilfully issues any certificate for marriage or solemnises a marriage, between such persons when one of the persons intending marriage is a minor, before the expiration of fourteen days after the receipt of notice of such marriage, or without sending, by the post or otherwise, a copy of such notice to the Marriage Registrar ;

issuing certificate authorisedly forbidden.—knowingly and wilfully issues any certificate the issue of which has been forbidden, under this Act, by any person authorised to forbid the issue ; or

solemnising marriage authorisedly forbidden.—or knowingly and wilfully solemnises any marriage forbidden by any person authorised to forbid the same ;

shall be punished with imprisonment for a term which may extend to four years, and shall also be liable to fine.

70. *Unlicensed person granting certificate pretending to be licensed.*—Whoever, not being licensed to grant a certificate of marriage under Chapter VII of this Act, grants such certificate intending thereby to make it appear that he is so licensed, shall be punished with imprisonment for a term which may extend to five years, and shall also be liable to fine.

Whoever, being licensed to grant certificate of marriage under Chapter VII of this Act, without just cause refuses, or wilfully neglects or omits to perform any of the duties imposed upon him by that Chapter shall be punished with fine which may extend to one hundred rupees.

71. *Destroying or falsifying register-books.*—Whoever, by himself or another, wilfully destroys or injures any register-book or the counterfoil certificate thereof, or any part thereof, or any authenticated extract therefrom, or

falsely makes or counterfeits any part of such register-book or counterfoil certificates,

or wilfully inserts any false entry in any such register-book or counterfoil certificate or authenticated extract,

shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

72. *Limitation of prosecutions under this Chapter.*—The prosecution for every offence punishable under this Chapter shall be commenced within two years after the offence is committed.

CHAPTER IX

DIVORCE

Jurisdiction

73. (1) Nothing contained in this Chapter shall authorise the High Court or the District Court to grant any relief under this chapter except where the petitioner or respondent professes the Christian religion,

or to make decrees of dissolution of marriage except where the parties to the marriage are domiciled in the Jammu and Kashmir State at the time when the petition is presented,

or to make decrees of nullity of marriage except where the marriage has been solemnised in the Jammu and Kashmir State and the petitioner is resident in the Jammu and Kashmir State at the time of presenting the petition,

or to grant any relief under this Chapter other than a decree of dissolution of marriage or of nullity of marriage, except where the petitioner resides in the Jammu and Kashmir State at the time of presenting the petition.

(2) *Court to act on principles of English Divorce Court.*—Subject to the provisions contained in this Chapter, the High Court and District Courts shall, in all suits and proceedings hereunder, act and give relief on principles and rules which, in the opinion of the said Courts, are as nearly as may be conformable, to the principles and rules on which the Court for Divorce and Matrimonial Causes in England for the time being acts and gives relief :

Provided that nothing in this section shall deprive the said Courts of jurisdiction in a case where the parties to a marriage professed the Christian religion at the time of the occurrence of the facts on which the claim to relief is founded.

74. Every petition under this Chapter, save as otherwise provided, shall be presented to the District Court within the local limits of whose jurisdiction the husband and wife reside or last resided together.

DISSOLUTION OF MARRIAGE

75. *When husband may petition for dissolution.*—Any wife may present a petition to the District Court, praying that his marriage may be dissolved on the ground that his wife has, since the solemnisation thereof, been guilty of adultery.

When wife may petition for dissolution.—Any wife may present a petition to the District Court, praying that his marriage may be dissolved on the ground that, since the solemnisation thereof, her husband has exchanged his profession of Christianity for the profession of some other religion, and gone through a form of marriage with another woman, or

has been guilty of incestuous adultery, or

of bigamy with adultery, or

of marriage with another woman with adultery, or

of rape, sodomy or bestiality, or

of adultery coupled with such cruelty as without adultery would have entitled her to a divorce **a mensa et tora, or**

of adultery coupled with desertion, without reasonable excuse, for two years or upwards.

Contents of petition.—Every such petition shall state, as distinctly as the nature of the case permits, the facts on which the claim to have such marriage dissolved is founded.

76. *Adulterer to be co-respondent.*—Upon any such petition presented by a husband, the petitioner shall make the alleged adulterer a co-respondent to the said petition, unless he is excused from so doing on one of the following grounds, to be allowed by the Court :—

(1) that the respondent is leading the life of a prostitute, and that the petitioner knows of no person with whom the adultery has been committed ;

(2) that the name of the alleged adulterer is unknown to the petitioner although he has made due efforts to discover it ;

(3) that the alleged adulterer is dead.

77. *Court to be satisfied of absence of collusion.*—Upon any such petition for the dissolution of a marriage, the Court shall satisfy itself, so far as it reasonably can, not only as to the facts alleged, but also whether or not the petitioner has been in any manner accessory to, or conniving at, the going through of the said form of marriage, or the adultery, or has condoned the same, and shall also inquire into any counter charge which may be made against the petitioner.

78. *Dismissal of petition.*—In case the Court, on the evidence in relation to any such petition, is satisfied that the petitioner's case has not been proved or is not satisfied that the alleged adultery has been committed, or

finds that the petitioner has, during the marriage, been accessory to, or conniving at, the going through of the said form of marriage or the adultery of the other party to the marriage, or has condoned the adultery complained of, or

then and in any of the said cases the Court shall dismiss the petition.

When a petition is dismissed by a District Court under this section, the petitioner may, nevertheless, present a similar petition to the High Court.

79. *Power to Court to pronounce decree for dissolving marriage.*— In case the Court is satisfied on the evidence that the case of the petitioner has been proved,

and does not find that the petitioner has been in any manner accessory to, or conniving at, the going through of the said form of marriage, or the adultery of the other party to the marriage or has condoned the adultery complained of, or

that the petition is presented or prosecuted in collusion with either of the respondents,

the Court shall pronounce a decree declaring such marriage to be dissolved in the manner and subject to all the provisions and limitations in sections 81 and 82 made and declared :

Provided that the Court shall not be bound to pronounce such decree if it finds that the petitioner has, during the marriage, been guilty of adultery, or

if the petitioner has, in the opinion of the Court, been guilty of unreasonable delay in prosecuting such petition, or

of cruelty towards the other party to the marriage, or

of having deserted or wilfully separated himself or herself from the other party before the adultery complained of, and without reasonable excuse ; or

of such wilful neglect or misconduct of or towards the other party as has conduced to the adultery.

Condonation.—No adultery shall be deemed to have been condoned within the meaning of this act unless where co-habitation has been resumed or continued.

80. *Relief in case of opposition on certain grounds.*—In any suit instituted for dissolution of marriage, if the respondent opposes the relief sought on the ground, in case of such a suit instituted by a husband, of his adultery, cruelty or desertion without reasonable excuse or, in case of

such a suit instituted by a wife, on the ground of her adultery and cruelty, the Court may in such suit give to the respondent, on his or her application, the same relief to which he or she would have been entitled in case he or she had presented a petition seeking such relief, and the respondent shall be competent to give evidence of or relating to such cruelty or desertion.

81. *Decrees for dissolution to be nisi.*—Every decree for a dissolution of marriage made by a High Court, not being a confirmation of a decree of a District Court, shall, in the first instance, be a decree nisi, not to be made absolute till after the expiration of such time, not less than six months from the pronouncing thereof, as the High Court by general or special order from time to time directs.

Collusion.—During that period any person shall be at liberty, in such manner as the High Court general or special order from time to time directs, to show cause why the said decree should not be made absolute by reason of the same having been obtained by collusion or by reason of material facts not being brought before the Court.

On cause being shown, the Court shall deal with the case by making the decree absolute, or by reversing the decree nisi, or by requiring further inquiry, or otherwise as justice may demand.

The High Court may order the cost of counsel and witnesses, and otherwise arising from such cause being shown, to be paid by the parties or such one or more of them as it thinks fit, including a wife if she has separate property.

Whenever a decree nisi has been made, and the petitioner fails, within a reasonable time, to move to have such decree made absolute, the High Court may dismiss the suit.

82. *Confirmation of decree for dissolution by District Court.*—Every decree for a dissolution of marriage made by a District Court shall be subject to confirmation by the High Court.

Cases for confirmation of a decree for dissolution of marriage shall be heard by a Court composed of three Judges, and in case of difference the opinion of the majority shall prevail.

The High Court, if it think further enquiry or additional evidence to be necessary, may direct such enquiry to be made or such evidence to be taken.

The result of such enquiry and the additional evidence shall be certified to the High Court by the District Court and the High Court shall there upon make an order confirming the decree for dissolution of marriage, or such order as to the Court seems fit :

Provided that no decree shall be confirmed under this section till after expiration of such time, not less than six months from the pronouncing thereof, as the High Court by general or special order from time to time directs.

During the progress of the suit in the District Court, any person, suspecting that any parties to the suit are or have been acting in collusion for the purpose of obtaining a divorce, shall be at liberty, in such manner as the High Court by general or special order from time to time directs, to apply to the High Court for the issue of directions to the District Court to take such steps in respect of the alleged collusion as may be necessary to enable it to make a decree in accordance with the justice of the case.

83. *Appointment of officer to exercise duties of King's Proctor.*—The Government may appoint an officer who shall have the like right of showing cause why a decree for the dissolution of a marriage should not be made absolute or should not be confirmed, as the case may be, as is exercisable in England by the King's Proctor ; and the Government may make rules regulating the manner in which the right shall be exercised and all matters incidental to or consequential on any exercise of the right.

NULLITY OF MARRIAGE

84. *Petition for decree of nullity.*—Any husband or wife may present a petition to the District Court praying that his or her marriage may be declared null and void.

85. *Grounds of decrees.*—Such decree may be made on any of the following grounds :—

(1) that the respondent was impotent at the time of the marriage and at the time of the institution of the suit ;

(2) that the parties are within the prohibited degrees of consanguinity (whether natural or legal) or affinity ;

(3) that either party was a lunatic or idiot at the time of the marriage ;

(4) that the former husband or wife of either party was living at the time of the marriage, and the marriage with such former husband or wife was then in force ;

(5) that the consent of either party was obtained by force or fraud :

Provided that in the case specified in clause (5) the Court shall not grant a decree if—

(a) Proceedings have not been instituted within one year after the coercion had ceased, or, the case may be, the fraud had been discovered ;
or

(b) the petitioner has with his/her or free consent lived with the other party to the marriage as husband and wife after the coercion had ceased, or as the case may be, the fraud had been discovered.

86. *Confirmation of District Court's decree.*—Every decree of nullity of marriage made by a District Court shall be subject to confirmation by the High Court, and the provisions of section 82, clauses 1, 2, 3 and 4 shall, **mutatis mutandis**, apply to such decrees.

87. *Children of annulled marriage.*—Where a marriage is annulled on the ground that a former husband or wife was living and it is adjudged that the subsequent marriage was contracted in good faith and with the full belief of the parties that the former husband or wife was dead, or when a marriage is annulled on the ground of insanity, children begotten before the decree is made shall be specified in the decree, and shall be entitled to succeed, in the same manner as legitimate children, to the estate of the parent who at the time of marriage was competent to contract.

JUDICIAL SEPARATION

88. *Bar to decree for divorce a mensa et toro; but judicial separation obtainable by husband or wife.*—No decree shall hereafter be made for a divorce a **mensa et toro** but the husband or wife may obtain a decree of judicial separation, on the ground of adultery, or cruelty, or desertion without reasonable excuse for two years or upwards, and such decree shall have the effect of a divorce a **mensa et toro** under the existing law, and such other legal effect as herein after mentioned.

89. *Application for separation made by petition.*—Application for judicial separation on any one of the grounds aforesaid may be made by either husband or wife, by petition to the District Court and the Court, on being satisfied of the truth of the statements made in such petition, and that there is no legal ground why the application should not be granted, may decree judicial separation accordingly.

90. *Separated wife deemed spinster with respect to after acquired property.*—In every case of a judicial separation under this Act, the wife shall, from the date of the sentence, and whilst the separation continues, be considered as unmarried with respect to property of every description which she may acquire, or which may come to or devolve upon her. Such property may be disposed of by her in all respects as an unmarried woman ; and on her decease the same shall, in case she dies intestate, go as the same would have gone if her husband had been then dead :

Provided that, if any such wife again cohabits with her husband, all such property as she may be entitled to when such cohabitation takes place shall be held to her separate use, subject, however, to any agreement in writing made between herself and her husband whilst separate.

91. *Separated wife deemed spinster for purposes of contract and suing.*—In every case of a judicial separation under this Act, the wife shall, whilst so separated, be considered as an unmarried woman for the purposes of contract and wrongs and injuries, and suing and being sued in any civil proceeding ; and her husband shall not be liable in respect of any contract, act or costs entered into, done, omitted or incurred by her during the separation :

Provided that where, upon any such judicial separation, alimony has been decreed or ordered to be paid to the wife, and the same is not duly paid by the husband, he shall be liable for necessaries supplied for her use :

Provided also that nothing shall prevent the wife from joining at any time during such separation, in the exercise of any joint power given to herself and her husband.

92. *Decree of separation obtained during absence of husband or wife may be reversed.*—Any husband or wife, upon the application of whose wife or husband, as the case may be, a decree of judicial separation has been pronounced, may, at any time thereafter, present a petition to the Court by which the decree was pronounced, praying for a reversal of such decree, on the ground that it was obtained in his or her absence, and that there was reasonable excuse for the alleged discretion, where desertion was the ground of such decree.

The Court may, on being satisfied of the truth of the allegations of such petition, reverse the decree accordingly ; but such reversal shall not prejudice or affect the rights or remedies which any other person would have had, in case it had not been decreed, in respect of any debts, contracts or acts of the wife incurred, entered into or done between the times of the sentence of separation and of the reversal thereof.

PROTECTION ORDERS

93. *Deserted wife may apply to Court for protection.*—Any wife may, when deserted by her husband, present a petition to the District Court at any time after such desertion, for an order to protect any property which she may have acquired or may acquire, and any property of which she may have become possessed or may become possessed after such desertion, against her husband or his creditors or any person claiming under him.

94. *Court may grant protection order.*—The Court, if satisfied of the fact of such desertion, and that the same was without reasonable excuse, and that the wife is maintaining herself by her own industry or property, may make and give to the wife an order protecting her earnings and other property from her husband and all creditors and persons claiming under him. Every such order shall state the time at which the desertion commenced and shall, as regards all persons dealing with the wife in reliance thereon, be conclusive as to such time.

95. *Discharge or variation of orders.*—The husband or any creditor of, or person claiming under him, may apply to the Court by which such order was made for the discharge or variation thereof, and the Court, if the desertion has ceased, or if for any other reason it thinks fit so to do, may discharge or vary the order accordingly.

96. *Liability of husband seizing wife's property after notice of order.*—If the husband, or any creditor of, or person claiming under, the husband, seizes or continues to hold any property of the wife after notice of any such order, he shall be liable, at the suit of the wife (which she is hereby empowered to bring), to return or deliver to her the specific property, and also to pay her a sum equal to double its value.

97. *Wife's legal position during continuance of order.*—So long as any such order of protection remains in force, the wife shall be and be deemed to have been, during such desertion of her, in the like position in all respects, with regard to property and contract and suing and being sued, as she would be under this Act if she obtained a decree of judicial separation.

RESTITUTION OF CONJUGAL RIGHTS

98. *Petition for restitution of conjugal rights.*—When either the husband or the wife has, without reasonable excuse, withdrawn from the society, of the other, either wife or husband may apply, by petition to the District Court for restitution of conjugal rights, and the Court, on being satisfied of the truth of the statements made in such petition, and that there is no legal ground why the application should not be granted, may decree restitution of conjugal rights accordingly.

99. *Answer to petition.*—Nothing shall be pleaded in answer to a petition for restitution of conjugal rights which would not be ground for a suit for judicial separation or for a decree of nullity of marriage.

DAMAGES AND COSTS

100. *Husband may claim damages from adulterer.*—Any husband may, either in a petition for dissolution of marriage or for judicial separation, or in a petition to the District Court limited to such object only, claim damages from any person on the ground of his having committed adultery with the wife of such petitioner.

Such petition shall be served on the alleged adulterer and the wife unless the Court dispenses with such service, or directs some other service to be substituted.

The damages to be recovered on any such petition shall be ascertained by the Court, although the respondents or either of them may not appear.

After the decision has been given, the Court may direct in what manner such damages shall be paid or applied.

101. *Power to order adulterer to pay 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—

(1) if the respondent was, at the time of the adultery, living apart from her husband and leading the life of a prostitute, or

(2) if the co-respondent had not, at the time of the adultery, reason to believe the respondent to be a married woman.

Power to order litigious intervenor to pay cost.—Whenever any application is made under section 82, the Court, if it thinks that the applicant had no grounds or no sufficient grounds for intervening may order him to pay the whole or any part of the costs occasioned by the application.

102. *Alimony pendente lite.*—In any suit under this Chapter, whether it be instituted by a husband or a wife, and whether or not she has obtained an order of protection, the wife may present a petition for alimony pending the suit.

Such petition shall be served on the husband, and the Court, on being satisfied of the truth of the statements therein contained, may make such order on the husband for payment to the wife of alimony pending the suit as it may deem just :

Provided that the alimony pending the suit shall in no case exceed one-fifth of the husband's average net income for the three years next preceding the date of the order, and shall continue, in case of a decree for dissolution of a marriage or of nullity of marriage, until the decree is made absolute or is confirmed, as the case may be.

103. *Power to order permanent alimony.*—The High Court may, if it think fit, on any decree absolute declaring a marriage to be dissolved ;

and the District Court may, if it thinks fit, on the confirmation of any decree of its declaring a marriage to be dissolved or on any decree of judicial separation obtained by the wife,

order that the husband shall, to the satisfaction of the Court, secure to the wife such gross sum of money, or such annual sum of money for any terms not exceeding her own life, as having regard to her fortune (if any), to the ability of the husband, and to the conduct of the parties, it thinks reasonable, and for that purpose may cause a proper instrument to be executed by all necessary parties.

Power to order monthly or weekly payments.—In every such case the Court may make an order on the husband for payment to the wife of such monthly or week by sums for her maintenance and support as the Court may think reasonable :

Provided that if the husband afterwards from any cause becomes unable to make such payments, it shall be lawful for the Court to discharge or modify the order, or temporarily to suspend the same as to the whole or any part of the money so ordered to be paid, and again to revive the same order wholly or in part, as to the Court seems fit.

104. *Court may direct payment of alimony to wife or to her trustee.*—In all cases in which the Court makes any decree or order for alimony, it may

direct the same to be paid either to the wife herself or to any trustee on her behalf to be approved by the Court, and may impose any terms or restrictions which to the Court seem expedient, and may from time to time appoint a new trustee, if it appears to the Court expedient so to do.

SETTLEMENTS

105. *Power to order settlement of wife's property for benefit of husband and children.*—Whenever the Court pronounces a decree of dissolution of marriage or judicial separation for adultery of the wife, if it is made to appear to the Court that the wife is entitled to any property, the Court may, if it thinks fit, order such settlement as it thinks reasonable to be made of such property or any part thereof, for the benefit of the husband, or of the children of the marriage, or of both.

Any instrument executed pursuant to any order of the Court at the time of or after the pronouncing of a decree of dissolution of marriage or judicial separation shall be deemed valid notwithstanding the existence of the disability of coverture at the time of the execution thereof.

Settlement of damages.—The Court may direct that the whole or any part of the damages recovered under section 100 shall be settled for the benefit of the children of the marriage, or as a provision for the maintenance of the wife.

106. *Inquiry into existence of ante nuptial or post-nuptial settlements.*—The High Court, after a decree absolute for dissolution of marriage, and the District Court, after its decree for dissolution of marriage, or of nullity of marriage has been confirmed, may enquire into the existence of ante nuptial or post-nuptial settlements made on the parties whose marriage is the subject of the decree, and may make such orders, with reference to the application of the whole or a portion of the property settled, whether for the benefit of the husband or the wife, or the children (if any) of the marriage, or of both children and parents, as to the Court seems fit :

Provided that the Court shall not make any order for the benefit of the parents or either of them at the expense of the children.

CUSTODY OF CHILDREN

107. *Power to make orders as to custody of children in suit for separation.*—In any suit for obtaining a judicial separation the Court may, from time to time, before making its decree, make such interim orders, and may make such provision in the decree, as it deems proper with respect to the custody, maintenance and education of the minor children, the marriage of whose parents is the subject of such suit, and may, if it thinks fit, direct proceedings to be taken for placing such children under the protection of the Court.

108. *Power to make such orders after decree.*—The Court, after a decree of Judicial separation, may upon application (by petition) for this purpose make from time to time, all such orders, and provision, with respect to the custody, maintenance and education of the minor children, the marriage of whose parents is the subject of decree, or for placing such children under the protection of the Court, as might have been made by such decree or by interim orders in case the proceedings for obtaining such decree were still pending.

109. *Power to make orders as to custody of children in suits for dissolution or nullity.*—In any suit for obtaining a dissolution of marriage instituted in a High Court, the Court may from time to time, before making its decree absolute or its decree (as the case may be), make such interim orders, and may make such provision in the decree absolute or decree ;

and in any such suit or a suit for obtaining a decree of nullity of marriage instituted in a District Court, the Court may from time to time before its decree is confirmed, make such interim orders and may make such provisions on such confirmation.

as the High Court or District Court (as the case may be) deems proper with respect to the custody, maintenance and education of the minor children, the marriage of whose parents is the subject of the suit ;

and may, if it thinks fit, direct proceedings to be taken for placing such children under the protection of the Court.

110. *Power to make such orders after decree or confirmation.*—The High Court, after a decree absolute for dissolution of marriage,

and the District Court, after a decree for dissolution of marriage or of nullity of marriage has been confirmed,

may, upon application by petition for the purpose, make from time to time all such orders and provision, with respect to the custody, maintenance and education, of the minor children, the marriage of whose parents was the subject of the decree, or for placing such children under the protection of the said Court, as might have been made by such decree absolute or decree (as the case may be), or by such interim orders as aforesaid .

PROCEDURE

111. *Code of Civil Procedure to apply.*—Subject to the provisions herein contained, all proceedings under this Chapter between party and party shall be regulated by the Code of Civil Procedure, 1977.

112. *Forms of petition and statements.*—The forms of petitions and statements set forth in the fifth schedule, with such variation as the circumstances of each case require, may be used for the respective purposes mentioned in such schedule.

113. *Petition to state absence of collusion.*—Every petition under this Chapter for a decree of dissolution of marriage, or of nullity any collusion or connivance between the petitioner and the other party to the marriage,

of marriage, or of judicial separation shall state that there is not.

Statements to be verified.—The statements contained in every petition under this Chapter shall be verified by the petitioner or some other competent person in the manner required by law for the verification of plaints, and may at the hearing be referred to as evidence.

114. *Suits on behalf of lunatics.*—When the husband or wife is a lunatic or idiot, any suit under this Chapter (other than a suit for restitution of conjugal rights) may be brought on his or her behalf by the Committee or other person entitled to his or her custody.

115. *Suits by minors.*—Where the petitioner is a minor, he or she shall sue by his or her next friend to be approved by the Court, and no petition presented by a minor under this Chapter shall be filed until the next friend has undertaken in writing to be answerable for costs.

Such undertaking shall be filed in Court, and the next friend shall thereupon be liable in the same manner and to the same extent as if he were a plaintiff in any ordinary suit.

116. *Service of petition.*—Every petition under this chapter shall be served on the party to be affected thereby, either within or without the State in such manner as the High Court by general or special order from time to time directs :

Provided that the Court may dispense with such service altogether in case it seems necessary or expedient so to do.

117. *Mode of taking evidence.*—The witnesses in all proceedings before the Court, where their attendance can be had, shall be examined orally, and any party may offer himself or herself as a witness, and shall be examined, and may be cross examined and re-examined, like any other witness :

Provided that the parties shall be at liberty to verify their respective cases in whole or in part by affidavit but so that the deponent in every such affidavit shall, on the application of the opposite party, or by direction of the court, be subject to be cross-examined by or on behalf of the opposite party orally, and after such cross examination may be re-examined orally as aforesaid by or on behalf of the party by whom such affidavit was filed.

118. *Competence of husband and wife to give evidence as to cruelty or desertion.*—On any petition presented by a wife, praying that her marriage may be dissolved by reason of her husband having been guilty of adultery coupled with cruelty, or of adultery coupled with desertion without reasonable excuse, the husband and wife respectively shall be competent and compellable to give evidence of or relating to such cruelty or desertion.

119. *Power to close doors.*—The whole or any part of any proceeding under this Chapter may be heard, if the Court thinks fit, with closed doors.

120. *Power to adjourn.*—The Court may from time to time adjourn the hearing of any petition under this Chapter and may require further evidence thereon if it seems fit so to do.

121. *Enforcement of, and appeals from, orders and decrees.*—All decrees and orders made by the Court in any suit or proceedings under this Chapter shall be enforced and may be appealed from in the like manner as the decrees and orders of the Court made in the exercise of its original civil

jurisdiction are enforced and may be appealed from under the law, rules and orders for the time being in force :

Provided that there shall be no appeal from a decree of a District Judge for dissolution of marriage or of nullity of marriage; or from the order of the High Court confirming or refusing to confirm such decree.

No appeals as to costs.—Provided also that there shall be no appeal on the subject of costs only.

RE-MARRIAGE

122. *Liberty to parties to marry again.*—When six months after the date of an order of a High Court confirming the decree for a dissolution of marriage made by a District Court have expired ; or

when six months after the date of any decree of a High Court dissolving a marriage have expired, and no appeal has been presented against such decree to the High Court in its appellate jurisdiction ; or

when in the result of any such appeal any marriage is declared to be dissolved ;

but not sooner, it shall be lawful for the respective parties to the marriage to marry again, as if the prior marriage had been dissolved by death.

123. *English clergyman not compelled to solemnise marriages of persons divorced for adultery.*—No clergyman in Holy Orders of the Church of England shall be compelled to solemnise the marriage of any person whose former marriage has been dissolved on the ground of his or her adultery, or shall be liable to any suit, penalty or censure for solemnising or refusing to solemnise the marriage of any such person.

124. *English Minister refusing to perform ceremony to permit use of his Church.*—When any Minister of any Church or Chapel of the said Church refuses to perform such marriage service between any persons who, but for such refusal would be entitled to have the same service performed in such Church or Chapel, such Minister shall permit any other Minister in Holy Orders of the said Church entitled to officiate within the diocese in which such

Church or Chapel is situate, to perform such marriage service in such Church or Chapel.

SUPPLEMENTAL PROVISIONS

125. *Decree for separation or protection order valid as to persons dealing with wife before reversal.*—Every decree for judicial separation or order to protect property obtained by a wife under this Chapter shall, until reversed or discharged, be deemed valid, so far as necessary, for the protection of any person dealing with the wife.

No reversal, discharge or variation of such decree or order shall affect any rights or remedies which any person would otherwise have had in respect of any contracts or acts of the wife entered into or done between the dates of such decree or order and of the reversal, discharge or variation thereof.

Indemnity of persons making payment to wife without notice of reversal of decree or protection order.—All persons who in reliance on any such decree or order make any payment to, or permit any transfer or act to be made or done by, the wife who has obtained the same shall notwithstanding such decree or order may then have been reversed, discharged, or varied, or the separation of the wife from her husband may have ceased, or at some time since the making of the decree or order been discontinued, be protected and indemnified as if, at the time of such payment, transfer or other act, such decree or order were valid and still subsisting without variation, and the separation had not ceased or been discontinued.

unless, at the time of the payment, transfer or other act, such persons had notice of the reversal, discharge or variation of the decree or order or of the cessation or discontinuance of the separation.

126. *Bar of suit for criminal conversation.*—No person consistent with the provision of this Chapter and the Code shall maintain a suit for criminal conversation with his wife.

127. *Power to make rules.*—The High Court shall make such rules under this Chapter as it may from time to time consider expedient and may from time to time alter and add to the same :

Provided that such rules, alternations and additions are competent to present a petition under sections 73 and 75 of Civil Procedure Code, 1977.

All such rules, alterations and additions shall be published in the Government Gazette.

CHAPTER X

MISCELLANEOUS

128. *What matters need not be proved in respect of marriage in accordance with Act.*—Whenever any marriage has been solemnised in accordance with the provisions of sections 3 and 4, it shall not be void merely on account of any irregularity in respect of any of the following matters, namely :—

(1) any statement made in regard to the dwelling of the persons married, or to the consent of any person whose consent to such marriage is required by law ;

(2) the notice of the marriage ;

(3) the certificate or translation thereof ;

(4) the time and place at which the marriage has been solemnised ;

(5) the registration of the marriage.

129. *Correction of errors.*—Every person charged with the duty of registering any marriage, who discovers any error in the form or substance of any such entry, may, within one month next after the discovery of such error, in the presence of the persons married, or, in case of their death or absence, in the presence of two other credible witnesses, correct the error by entry in the margin without any alteration of the original entry, and shall sign the marginal entry, and add thereto the date of such correction, and such person shall make the like marginal entry, and add thereto the date of such correction, and such person shall make the like marginal entry in the certificate thereof.

And every entry made under this section shall be attested by the witnesses in whose presence it was made.

And in case such certificate has been already sent to the Registrar General, such person shall make and send in like manner a separate certificate of the original erroneous entry, and of the marginal correction therein made.

130. *Searches and copies of entries.*—Every person solemnising a marriage under this Act, and hereby required to register the same,

and every Marriage Registrar or Registrar General having the custody for the being of any register of marriages, or of any certificate, or duplicate or copies of certificate, under this Act,

shall, on payment of the proper fees, at all reasonable times, allow searches to be made in such register, or for such certificate, or duplicate, or copies and give a copy under his hand of any entry in the same.

131. *Certified copy of entry in marriage-register, etc. to be evidence.*—Every certified copy, purporting to be signed by the person entrusted under this Act with the custody of any marriage-register or certificate, or duplicate, required to be kept or delivered under this Act, of an entry of a marriage in such register, or of any such certificate or duplicate, shall be received as evidence of the marriage purporting to be so entered, or of the facts purporting to be so certified so the facts purporting to be so certified therein without further proof of such register or certificate, or duplicate or of any entry therein, respectively, or of such copy.

132. *Certificates of certain marriages to be sent to Government.*—The Register General shall, at the end of every quarter in each year, select, from the certificates of marriages forwarded to him, during such quarter, the certificates of the marriages of which the Government may desire that evidence shall be transmitted to England, and shall send the same certificates, signed by him, to the Government .

133. *Government to prescribe fees.*—Fees shall be chargeable under this Act for—

receiving and publishing notices of marriages ;

issuing certificates for marriage by Marriage Registrars and registering marriage by the same ;

entering protests against, or prohibitions of, the issue of certificates for marriages by the said Registrars ;

searching register-books or certificates or duplicates or copies thereof ;

giving copies of entries in the same under sections 59 and 130.

The Government shall fix the amount of such fees respectively and may from time to time vary or remit them either generally or in special cases, as to it may seem fit.

134. *Power to make rules.*—The Government may make rules in regard to the disposal of the fees mentioned in section 133, the supply of register-book and the preparation and submission of returns of marriages solemnised under this Act.

135. *Validation of certain marriages.*—All marriages solemnised between Christians before the commencement of this Act shall be as good and valid in law as if such marriages have been solemnised in accordance with the provisions of this Act :

Provided that nothing in this section shall be deemed to validate any marriage which the personal law applicable to either of the parties forbids him or her to enter into or any marriage which had been judicially declared to be null and void.

—————

SCHEDULE I

(See sections 11 and 37)

NOTICE OF MARRIAGE

To

A Minister (or Register of

hereby give you notice that a marriage is intended to be had, within three calendar months from the date hereof, between me and the other party herein named and described (that is to say) :

Name	Condition	Rank of Profession	Age	Dwelling place	Length of residence	Church, Chapel or place of worship in which the marriage is to be solemnised	District in which the other party resides, when the parties dwell in different districts

Witness my hand, this

day of

fifty-six

(Signed).....

SCHEDULE II

(See sections 23 and 47)

CERTIFICATE OF RECEIPT OF NOTICE

I.....do hereby certify that, on theday of, notice was duly entered in my Marriage Notice Book of the marriage intended between the parties therein named and described , delivered under the hand ofone of the parties (that is to say) :—

Name	Condition	Rank of Profession	Age	Dwelling place	Length of residence	Church, Chapel or place of worship in which the marriage is to be solemnised	District in which the other party resides, when the parties dwell in different districts

and that the declaration or oath required by section 16 or 40 of the Jammu and Kashmir Christian Marriage and Divorce Act, 1957, has been duly made by the said.....

Date of notice entered }
 Date of certificate given } The issue of this certificate has not been prohibited by any person authorised to forbid the issue thereof

Witness my hand, this _____ day of _____ fifty six,
 Signed.

This certificate will be void, unless the marriage is solemined on or before theday of.....

SCHEDULE IV

(See section 31 and 51)

Marriage Register Book

Number	When married			Name of Parties		Age	Condition	Rank or Profession	Residence at the time of marriage	Father's name and surname
	Day	Month	Year	Christian Name.	Surname					

Married in the _____ in the presence of _____
 This marriage was solemnised between us { } of us { }

Certificate of Marriage

Number	When married			Name of Parties		Age	Condition	Rank or Profession	Residence at the time of marriage	Father's name and surname
	Day	Month	Year	Christian Name.	Surname					

Married in the _____ in the presence of _____
 This marriage was solemnised between us { } of us { }

SCHEDULE V

No. 1. Petition by husband for a dissolution of marriage with damages against co-respondent, by reason of adultery.

(See sections 75 and 100)

In the (High) Court of
To the Hon'ble Mr. Justice (or To the Judge of).
The day of.....20

The petition of A. B. of
Sheweth

1. That your petitioner was on the day
of , one thousand nine hundred and , lawfully
married to C. B., then C. D., spinster, at

2. That from his said marriage, your petitioner lived and cohabited with his said wife at and at in and lastly at in and that your petitioner and his said wife have had issue of their said marriage, five children of whom two sons only survive, aged respectively—and—years.

3. That during the three years immediately proceeding the day of, one thousand nine hundred and X. Y. was constantly, with few exceptions, residing in the house of your petitioner, at aforesaid and that on diverse occasions during the said period, the dates of which are unknown to your petitioner, the said C. B. in your petitioner's said house committed adultery with the said X. Y.

4. That no collusion or connivance exist between me and my said wife for the purpose of obtaining a dissolution of our said marriage or for any other purpose.

Your petitioner, therefore, prays that this (Hon'ble) Court will decree a dissolution of the said marriage, and that the said X. Y. do pay the sum of rupees 5,000 as damages by reason of his having committed adultery with your petitioner's said wife, such damages to be paid to your petitioner, or otherwise paid or applied as to this (Hon'ble) Court seems fit.

(Signed) A. B.

Form of verification.

I, A. B., the petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief.

No. 2. Respondent's statement is answer to No. 1.

In the Court of the day of

Between A. B., petitioner,
C. B., respondent, and
X. Y., Co-respondent.

C. B., the respondent, by D. E., her attorney (or vakil), in answer to the petition of A. B., says that she denies that she has on diverse or any occasions committed adultery with X. Y., as alleged in the third paragraph of the said petition.

Wherefore the respondent prays that this (Hon'ble) Court will reject the said petition.

(Signed) C. B.

No. 3 Co-respondent's Statement in answer to No. 1.

In the (High) Court of

The day of

Between A. B., petitioner,
C. B., respondent, and
X. Y., Co-respondent.

X. Y., the co-respondent, in answer to the petition filed in this cause said that he denies that he committed adultery with the said C. B. as alleged in the said petition.

Wherefore the said X. Y. prays that this (Hon'ble) Court will reject the prayer of the said petitioner and order him to pay the costs of and incident to the said petition.

(Signed) X. Y.

No. 4. Petition for decree of nullity of marriage.

(See section 84)

To the Judge of

The day of 20 .

The petition of A. B., falsely called A. D.

Sheweth

1. That on the Day of one thousand nine hundred and , your petitioner, then a spinster, eighteen years of age, was married in fact, though not in law, to C. D., then a bachelor of about thirty years of age, at

2. That from the said day of one thousand nine hundred and until the month of one thousand nine hundred and , your petitioner lived and cohabited with the said C. D., at diverse places and particularly at aforesaid.

3. That the said C. D. has never consummated the said pretended marriage by carnal copulation.

4. That at the time of the celebration of your petitioner's said pretended marriage, the said C. D. was by reason of his impotency or malformation, legally incompetent to enter into the contract of marriage.

5. That there is no collusion or connivance between her and the said C. D. with respect to the subject of this suit.

Your petitioner therefore prays that this (Hon'ble) Court will declare that the said marriage is null and void

(Signed) A. B.

Form of verification : See No. 1

No. 5. Petition by wife for judicial separation on the ground of her husband's adultery.

(See section 88)

To the Judge of
The day of 20 .

The petition of C. B. of the wife of A. B.

Sheweth.

1. That on the day of , one thousand nine hundred and fifty , your petitioner, then C. D. was lawfully married to A. B. at the Church of in the

2. That after her said marriage, your petitioner co-habited with the said A. B. at and at , and that your petitioner and her said husband have issue living of their said marriage , there children, to wit, etc. etc.

3. That on diverse occasion in or about the months of August, September and October, one thousand nine hundred and fifty the said A. B, at aforesaid, committed adultery with E.F., who was then living in the service of the said A. B. and your petitioner at their said residence aforesaid.

4. That on diverse occasions in the months of October, November and December, one thousand nine hundred and fifty the said A. B. at aforesaid, committed adultery with G.H., who was then living in the service of the said A. B. and your petitioner at their said residences aforesaid.

5. That no collusion or connivance exists between your petitioner and the said A.B. with respect to the subject of the present suit.

Your Petitioner therefore prays that this (Hon'ble) Court will decree or judicial separation to your petitioner from her said husband by reason of his aforesaid adultery.

(Signed) C. B.

Form of verification : See No. 1.

No. 6 Statement in answer to No. 5.

In the Court of

B against B.

The day of

The respondent, A.B., by W. Y., his attorney or (vakil), says,—

1. That he denies that he committed adultery with E. F. as in the third paragraph of the petition alleged.

2. That the petitioner condoned the said adultery with E. F., if any.

3. That he denies that he committed adultery with G. H. as in the fourth paragraph of the petition alleged.

4. That the petitioner condoned the said adultery with G. H., if any.

Wherefore this respondent prays that this Court will eject the prayer of the said petitioner.

(Signed) A.B.

No 7. Statement in reply to No. 6

In the Court of

B against B.

The day of

The petitioner C.B., by her attorney or (vakil), says,—

1. That she denies that she condoned the said adultery of the respondent with E.F., as in the second paragraph of statement in answer alleged.

2. That even if she had condoned the said adultery the same has been revived by the subsequent adultery of the respondent with G. H, as set fourth in the fourth paragraph of the petition.

(Signed) C. D.

No. 8 Petition for a judicial separation by reason of cruelty.

(See section 88)

To the Judge of

The day of

The petition of A. B. (Wife of C. D.) of

Sheweth.

1. That on the day of , one thousand nine hundred and , your petitioner, then A. D., spinster, was lawfully married to C. B., at

2. That from her said marriage, your petitioner lived and cohabited wity her said husband at until the day of , one thousand nine hundred and , when your petitioner separated from her said husband as hereinafter more particularly mentioned and that your petitioner and her said husband have had no issue of their said marriage.

3. That from and shortly after your petitioner's said marriage, the said C. B. habitually conduced himself towards your petitioner with great harshness and cruelty, frequently abusing her in the coarsest and most insulting language, and beating her with his fists, with a cane, or with some other weapon.

4. That on an evening in or about the month of one thousand nine hundred and , the said C. B. in the highway and opposite to the house in which your petitioner and the said C. B. were then residing at aforesaid, endeavoured to knock your petitioner down, and was only prevented from so doing by the interference of F. D., your petitioner's brother.

5. That subsequently on the same evening, the C. B., in his said house at aforesaid, struck your petitioner with his clenched fists a violent blow on her face.

6. That on one Friday night in the month of one thousand and nine hundred and the said C. B., in without provocation, threw a knife at your petitioner, thereby inflicting a severe wound on her right hand.

7. That on the afternoon of the _____ day of _____, one thousand nine hundred and _____, your petitioner, by reason of the great and continued cruelty practised towards her by her said husband, with assistance withdrew from the house of her said husband to the house of her father at _____, that from and after the said day of _____, one thousand nine hundred and _____, your petitioner has lived separate and a part from her said husband, and have never returned to his house or to cohabitation with him.

8. That there is no collusion or connivance between your petitioner and her said husband with respect to the subject of the present suit.

Your petitioner, therefore, prays that this Court will decree a judicial separation between your petitioner and the said C. B. and also order that the said do pay the costs of and incident to these proceedings.

(Signed) A.B.

Form of verification : See No. 1.

No. 9. Statement in answer to No. 8.

In the Court of
The day of

Between A, B., petitioner and
C, B., respondent.

C.B., the respondent, in answer to the petition filed in this cause, by W.J., his attorney (or vakil), says that he denies that he has been guilty of cruelty towards the said A.B., as alleged in the said petition.

(Signed) C. B.

No. 10. Petition for reversal of decree of separation.

(See section 90)

To the Judge of
The day of _____ 20 _____.

The petition of A.B. of _____

Sheweth

1. That your petitioner was on the
day of

lawfully married to

2. That on the day of this
Court, at the petition of , pronounced
a decree affecting the petitioner to the effect following to wit,—

(Here set out the decree).

3. That such decree was obtained in the absence of your
petitioner, who was then residing at

(State facts tending to show that the petitioner did not know of the
proceedings ; and further, that had he know he might have offered a sufficient
defence.)

or

That there was reasonable ground for your petitioner leaving his said
wife or that his said wife

(Here state any legal grounds, justifying the petitioner's separation
from his wife)

Your petitioner, therefore, prays that this Court will reverse the said
decree.

(Signed) A. B.

Form of verification : See No. 1.

No. 11. Petition for protection order.

(See section 93)

To the Judge of

The day of 20 .

The petitioner of C. B., of the wife of A. B.

Sheweth

That on the day of , she was lawfully
married to A. B. at

That she lived and cohabited with the said A. B. for years at , and also at , and has had children, issue of her said marriage, of whom , are now living with the applicant, and wholly dependent upon her earnings.

That on or about , the said A. B., without any reasonable cause deserted the applicant, and have ever since remained separate and apart from her.

That since the desertion of her said husband, the applicant have maintained herself by her own industry (or on her own property, as the case may be,) and have thereby and otherwise acquired certain property consisting of (here state generally the nature of the property).

Wherefore she prays an order for the protection of her earnings and property acquired since the said day of , from the said A. B., and from all creditors and persons claiming under him.

(Signed) C. B.

No. 12. Petition for alimony pending the suit.

(See section 102)

In the (High) Court of

B against B.

To the Hon'ble Mr. Justice (or To the Judge of)

The day of 20

The petition of C. B., lawful wife of A. B.

Sheweth

1. That the said A. B. has for some years carried on the business of at , and from such business derives the net annual income of from Rs. 4,000 to 5,000.

2. That the said A. B. is possessed of plate, furniture, linen and other effects at his said house aforesaid, all of which he acquired in right of your

petitioner as his wife, or purchased with money he acquired through her, of the value of Rs. 10,000.

3. That the said A. B. is entitled under the will of his father, subject to the life-interest of his mother therein, to property of the value of Rs. 5,000 or same other considerable amount.

Your petitioner, therefore, prays that this (Hon'ble) Court will decree such sum or sums of money by way of alimony, pending the suit, as to this (Hon'ble) Court may seem meet.

(Signed) C. B.

Form of verification : See No. 1

No. 13 Statement in answer to No. 12.

In the Court of

B against B.

A. B. of _____, the above-named respondent in answer to the petition for alimony, pending the suit of C. B. says—

1. In answer to the first paragraph of the said petition I say that I have for the last three years carried on the business of _____, at _____, and that from such business I have derived a net annual income of Rs. 900 but less than Rs.1,000.

2. In answer to the second paragraph of the said petition I say that I am possessed of plate, furniture, linen and other chattels and effects at my said house _____ aforesaid, of the value of Rs. 7,000, but as I verily believe of no larger value. And I say that a portion of the said plate, furniture and other chattels and effects of the value of Rs. 1, 500 belonged to my said wife before our marriage, but the remaining portions thereof I have since purchased with my own moneys. And I say that, save as hereinbefore set forth, I am not possessed of the plate and other effects as alleged in the said paragraph in the said petition, and that I did not acquire the same as in the said petition also mentioned.

3. I admit that I am entitled under the will of my father subject to the life-interest of my mother therein, to property of the value of Rs. 5,000, that is to say, I shall be entitled under my said father's will upon the death of my mother, to a legacy of Rs. 7,000, out of which I shall have to pay to my father's executors the sum of Rs. 2,000, the amount of a debt owing by me to his estate, and upon which debt I am now paying interest at the rate of five per cent per annum.

4. And, in further answer to the said petition, I say that I have no income whatever except that derived from my aforesaid business, that such income since my said wife left me, which she did on the day of last, has been considerably diminished, and that such diminution is likely to continue. And I say that out of my said income, I have to pay the annual sum of Rs. 100 for to such interest as aforesaid to my late father's executors, and also to support myself and my two eldest children.

5. And, in further answer to the said petition, I say that when my wife left my dwelling house on the day of last, she took with her, and has ever since withheld and still withholds from me, plate, watches and other effects in the second paragraph of this my answer mentioned, of the value of, as I verily believe, Rs. 800 at the least ; and I also say that, Within five days of her departure from my house as aforesaid, my said wife received bills due to me from certain lodgers of mine, amounting in the aggregate to Rs , and that she has ever since withheld and still withholds from me the same sum.

(Signed) A. B.

No. 14. Undertaking by Minor's next friend to be answerable for respondent's costs.

(See section 115).

In the (High) Court of

I, the undersigned, A. B., of , being the next friend of C. D., who is a minor, and who is desirous of filing a petition in this Court,

under the Jammu and Kashmir Christian Marriage and Divorce Act, against D. D. of _____, hereby undertake to be responsible for the costs of the said D. D., in said suit, and that, if the said C. D. fail to pay to the said D. D. when and in such manner as the Court shall order all such costs of such suit as the Court shall direct him (or her) to pay to the said D. D., I will forthwith pay the same to the proper officer of this Court.

Dated this _____ day of _____, 19____.

(Signed) A. B.