

APPENDIX-14

SPECIAL MARRIAGE ACT RULES, 1988

THE GAUHATI HIGH COURT (HIGH COURT OF ASSAM, NAGALAND,
MEGHALAYA, MANIPUR, TRIPURA, MIZORAM AND ARUNACHAL PRADESH)

RULES TO REGULATE PROCEDURE UNDER
THE SPECIAL MARRIAGE ACT, 1954

(CENTRAL ACT NO.43 OF 1954)

Notification No. HC.XI-2/83/10377/RC, dated 27.4.1989

In exercise of the powers conferred by Section 41 of the Special Marriage Act, 1954 (Central Act No.43 of 1954) and all other powers enabling in this behalf, the Gauhati High Court (High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram and Arunachal Pradesh) makes the following Rules, in supersession of the Rules made by then High Court of Assam vide Notification No. HC.XI-3/53/1320-RC, published in the Assam Gazette, Part II-B, dated 21st March, 1956 at page 763, to regulate the proceedings under the said Act.

1. Short title.— These Rules may be called the Special Marriage Act Rules, 1988

2. Commencement.— These Rules shall come into force from the date of their publication in the Gazette.

3. Definitions.— In these Rules, unless there is anything repugnant in the subject or context:-

(i) "Act" means the Special Marriage Act, 1954 as from time to time modified or amended.

(ii) "Code" means the Code of Civil Procedure, 1908 as from time to time modified or amended.

(iii) "Court" means the court mentioned in Section 2 (e) of the Act.

(iv) "Form" means a form prescribed in the Act or appended to these rules.

(v) All other terms and expressions used herein but not defined shall have the meaning respectively assigned to them in the Act.

4. Petitions to be accompanied by a certificate of marriage.— Every petition made under the Act shall be accompanied by a certified copy of the certificate of marriage entered in the Marriage Certificate Book about the solemnization of the Marriage under the Act, unless the certificate is already on the record or is for sufficient cause, dispensed with by the court.

5. Forms of proceeding.— The following proceedings under the Act shall be initiated by petitions:-

(i) under Section 22 for restitution of conjugal rights;

(ii) under sub-section (1) of Section 23 for Judicial separation;

(iii) under sub-section (2) of Section 23 for rescinding a decree for Judicial separation;

(iv) under sub-section (1) of Section 24 for declaring a marriage null and void;

(v) under sub-section (2) of Section 24 for declaring the registration of a marriage to be of no effect;

(vi) under Section 27 for annulment of marriage by a decree of nullity;

(vii) under Section 27 for divorce;

(viii) under Section 28 for divorce by mutual consent;

(ix) under Section 38 for making, revoking, suspending or varying orders and provisions with respect to the custody, maintenance and education of minor children.

6. Petition by or against a person suffering from mental disorder.—A person suffering from mental disorder will be treated in all respects as a person of unsound mind for the purpose of Order XXXII of the Code.

7. Contents of petition.—In addition to the particulars required to be given under Order VII Rule I of the Code and Section 32 of the Act, every petition for Judicial separation, nullity of marriage or divorce shall contain the following particulars:-

(a) The place and date of Marriage.

(b) The name, status and domicile of the wife and the husband before the marriage and at the time of filing the petition.

(c) The address where the parties to the marriage reside at the time of the presentation of the petition and last resided together.

(d) Where the wife petitioner invokes Section 21 (2) of the Act, the address at which she has ordinarily resided during the three years immediately preceding the presentation of the petition, and the length of her residence at each address, and the place of residence of the husband.

(e) The names of the children, if any of the marriage, their sex and their dates of birth of ages.

(f) If prior to the date of the petition there has been any proceeding under the act between the parties to the petition, full particulars thereof.

(g) the matrimonial offence or offences alleged or other grounds upon which the relief is sought, setting out with sufficient particularity the time and places of the acts alleged, and other facts relief upon, but not the evidence by which they are intended to be proved e.g.:-

(i) If the petition is for restitution of conjugal rights, the date on or from which and the circumstances under which the respondent withdrew from the

society of the petitioner.

(ii) If the petition is under Section 25 (ii) of the Act, whether the Petitioner was, at the time of the marriage ignorant of the facts alleged and whether marital intercourse with the consent of the petitioner has taken place since the discovery by the petitioner of the existence of the grounds for a decree.

(iii) If the petition is under Section 25 (iii) of the Act, the particulars of coercion or fraud and the circumstances in which coercion or fraud had been practised alongwith the time when the coercion ceased or the fraud was discovered and whether or not the Petitioner has with his or her 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;

(iv) If the Petitioner is for Judicial separation/divorce on the ground of adultery, the name, occupation and place of residence of adulterer/adulteress or adulterers/adulteresses, as the case may be, so far as they can be ascertained;

(v) If the petition is on the ground of desertion, the date and the circumstances in which it began;

(vi) If the petition is on the ground of cruelty the specific acts of cruelty and the occasion when and the place where such acts were committed;

(vii) If the petition is on the ground of unsoundness of mind or mental disorder, the time when such unsoundness of mind or mental disorder began to manifest itself and the nature and the period of the curative steps taken;

(viii) If the petition is on the ground of venereal disease in a communicable form or leprosy, when such ailment began to manifest itself and the nature and the period of the curative steps taken;

(ix) If the petition is on the ground of specified in clause (h) of Section 27 of the Act, the date and the place where the respondent was last seen or heard of alive and the step, if any, taken to ascertain his or her whereabouts;

(x) If the petition is founded on the ground of bestiality the occasion when, the place where and the particulars of the beast with whom the husband is guilty of bestiality;

(xi) If the petition is for divorce under Section 27 (IA) (ii) of the Act, the particulars of the decree under Section 18 of the Hindu Adoptions and Maintenance Act, 1956 or of order under Section 125 of the Code of Criminal Procedure, 1973 (or under the corresponding Section 488 of the Code of Criminal Procedure, 1898) together with an affidavit that since the passing of such decree or order, cohabitation between the parties had not been resumed for one year or upwards;

(xii) If the petition is under Section 28 of the Act, the date since when the

parties have been living separately and whether, or not they have been able to live together and whether the mutual agreement dissolving the marriage is verbal or evidenced by a document in writing.

(h) Every petition under Chapter V or Chapter VI of the Act shall state that there is no collusion between the petitioner and the other party to the marriage.

(i) The claim for damages, if any, with particulars.

(j) the relief or reliefs prayed for.

8. Affidavit of non-collusion.— Every petition under Chapter V or Chapter VI of the Act shall be accompanied by an affidavit to the effect that it is not presented in collusion with the Respondent. If the petition is founded on the ground specified in clause (a) of sub-section (1) of Section 27, it will also state that the Petitioner has not in any manner been accessory to or connived at the acts or acts of sexual intercourse complained of.

9. Affidavit of non-condonation.— Where the petition is founded on the ground specified in clause (a) of sub-section (1) of Section 27 of Act or where ground of the petition is cruelty, the petition shall be accompanied by an affidavit to the effect that the Petitioner has not condoned that act or acts complained of or has not in any manner condoned the cruelty.

10. Affidavit in the petition on the ground of mutual consent.— Where divorce is sought on the ground of mutual consent, the petition shall be accompanied by an affidavit to the effect that such consent has not been obtained by force, fraud or undue influence.

11. Affidavit of non-cohabitation.— Every petition under Section 27 (2) (1) shall be accompanied by an affidavit made by Petitioner that there has been no resumption of cohabitation as between the parties to the marriage for a period of one year or upwards after the passing of a decree for Judicial separation in a proceeding to which they were parties.

12. Affidavit of non-restitution of conjugal rights.— Every petition under Section 27 (2) (ii) shall be accompanied by an affidavit made by the Petitioner of the facts that there has been no restitution of conjugal rights as between the parties to the marriage for a period of one year or upwards after the passing of decree for restitution of conjugal rights in a proceeding to which they were parties.

13. Necessary parties.— (a) In every petition for divorce/judicial separation on the ground that the Respondent has, after the solemnization of the marriage, had voluntary sexual intercourse with any person other than his or her spouse, the Petitioner shall make the alleged adulterer or adulteress as a co-respondent to the petition. The petitioner may, however, apply to the court on application supported by an affidavit, for leave to dispense with the joinder of such person

as a co-respondent on any of the following grounds:

(i) That the name of such person is unknown to the petitioner although he/she has made due efforts for discovery;

(ii) That such person is dead;

(iii) That the respondent being the wife is leading a life of a prostitute and that the petitioner knows of no person with whom voluntary sexual intercourse has been committed, or

(iv) Any other reason that the court considers sufficient.

(b) In every petition under Section 24 of the Act on the ground that the condition specified in clause (a) of Section 4 has not been fulfilled, the petitioner shall make the spouse, alleged to be living at the time of marriage, a co-respondent.

14. Application for leave under Section 29 of the Act.— (1) In support of an application for leave under Section 29 of the Act there shall be filed an affidavit by the applicant stating the grounds on which the application is made particulars of the exceptional hardship or exceptional depravity alleged, whether there has been any previous application under the said section, whether there are living any children of the marriage, and if so, the names and dates of birth or ages of such children, their sex, where and with whom they are residing, whether any, and if so, what attempts at reconciliation have been made and any circumstances which may assist the court to determine the question whether there is reasonable probability of reconciliation between the parties.

(2) Notice of the application shall be given to the respondent who may contest the same by filing affidavit in opposition.

(3) In exceptional circumstances the court may, if necessary, order a deponent to be cross-examined on his or her affidavit.

(4) The application shall be accompanied by the petition intended to be filed.

(5) When the court grants leave, the petition shall be deemed to have been duly filed on the date of the said order provided proper court fee thereon is paid within the time allowed by the court.

15. Notices.— The court shall issue notice in form 'A' accompanied with a copy of petition to the respondent and the co-respondent, if any. The notice shall require, unless the court otherwise directs, the respondent or co-respondent to file his or her written statement in court on or before the date fixed in the notice.

16. Counter claim.— Where a counter claim is made in terms of Section 23-A it shall comply with the Rules applicable to petitions on the like grounds.

17. Damages and costs against co-respondent.— (1) Whenever in any petition presented by a husband, the person alleged to have committed adultery has been made a co-respondent and the charge of 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 petitioners costs:

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

(b) if the co-respondent had not, at the time of voluntary sexual intercourse, reason to believe the respondent to be a married women.

(2) The award of costs shall be in the discretion of the court and the court shall make an order of the same while passing decree.

(3) Whereas damages are claimed, the Court shall assess the same and direct in what manner the damages if any, awarded shall be paid or applied.

(4) The court may assess damages and make an order for payment thereof or of costs notwithstanding that the respondent or the co-respondent or both of them have remained ex-parte.

18. Application for alimony and maintenance.— Every application for maintenance pendente-lite, permanent alimony and maintenance or for custody, maintenance and education expenses of minor children shall be supported by an affidavit and shall state the average monthly income of the Petitioner and the Respondent, the sources of their income, particulars of other movable and immovable property owned by them jointly or severally, the details of their liabilities, if any along with the number of their dependents if any, and the names and ages of such dependents.

19. Supply of certified copy of the decree of the parties.— (1) In every case where a marriage is dissolved by a decree or divorce the court passing the decree shall give a copy thereof free of cost to each of the parties. The copy so supplied shall be authenticated as “True Copy” by the court passing the decree.

(2) The Court shall maintain a Register where the particulars of the decree shall be incorporated and signatures of the parties or their advocates or agents shall be obtained in token of their having received a true copy of the decree.

20. Forms.— The forms given in the Appendix to these rules with such variations as the circumstances of each case may require, shall be used.

FORM 'A'
Notice

In the District Court at.....

Matrimonial and Divorce Jurisdiction.

Case No.....

Date of Institution.....

..... Petitioner

-Vs-

.....Respondent.

Co-Respondent.

To

.....
.....

Whereas.....has presented a petition application against you for..... under Section.....of the Special Marriage Act, 1954 (NO.43 of 1954). (A copy of the said petition/application is sent herewith), you are hereby summoned to appear in this Court on the at 10.00 O'Clock in the forenoon to answer the said petition/application, either in person or by recognised agent duly instructed and able to answer all material questions relating to the case, or who shall be accompanied by some other person able to answer all such questions or by an advocate similarly instructed or accompanied and you are directed to produce on that day all documents upon which you intend to rely in support of your defence. You should file an answer to the petition/application on the date mentioned above.

You are further inform that in default of your appearance on the day and in the manner above mentioned the petition application will be heard and determined in your absence.

Given under my hand and the seal of this court, this..... day of 19....

Date:

By order
District Judge.
at



FORM 'B'

In the District Court at.....

..... Petitioner

-Vs-

..... Respondent.

Petition for restitution of conjugal rights under Section 22 of the Special Marriage Act, 1954 (Act of 1954).

The petitioner prays as follows:-

1. A Marriage was solemnized/registered between the parties, under Chapter II/III of the Act by Marriage Officer ofonat
A certified copy of the certificate of the marriage is attached with the petition.
2. The status and place of residence of the parties to the marriage and before the marriage at the time filing the petition were as follows:

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

(Whether a party is a Hindu by religion or not is a part of his for her Status).

3. (In this paragraph state the names of the children, if any, of the marriage together with their sex, date of birth or ages).
4. The respondent has without reasonable excuse withdrawn from the society of the petitioner with effect from (The circumstances under which the respondent withdrew from the society of the petitioner be stated.)
5. The petition is not presented in collusion with the respondent.
6. There has not been any unnecessary or improper delay in filing the petition.
7. There is no other legal ground why relief should not be granted.
8. There have not been any previous proceeding with regard to the marriage by or behalf of any party.

or

There have been the following previous proceeding with regard to the marriage by or on behalf of the parties:

Serial No.	Name of parties	Nature of proceedings with section of the Act	Number and year of the case	Name and location of Court	Results

9. The marriage was solemnized atthe parties last resided together at The parties are now residing at (within the local limits of the ordinary original jurisdiction of this court).

10. The petitioner submits that this Hon'ble court has jurisdiction to try and entertain this petition.

11. The petitioner prays for a decree for restitution of conjugal rights against the respondent.

Sd/-

Petitioner.

VERIFICATION

The above-named petitioner states on solemn affirmation that paras 1 to of the petition are true to the petitioner's knowledge and parasto.....are true to the petitioner's information received and believed to be true by him/her.

Verified at(place)

Dated.....

Sd/-

Petitioner.

FORM "C"

In the District Court at.....

..... Petitioner

-Vs-

..... Respondent.

Petition for judicial separation

under Section 23 of the Special Marriage Act, 1954 (No.43 of 1954)

The Petitioner prays as follows:-

1. the petitioner is the husband/wife of the respondent. The marriage between parties was solemnized under/registered under, Chapter II/Chapter III of the Act by the Marriage Officer of aton A certified copy of the certificate of marriage is attached with this petition.

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

	Husband		Wife	
	Status	Age	Status	Age
(i) Before marriage				
(ii) at the time of filing the petition				

3. (In this paragraph state the names of the children, if any, of the marriage together with their sexes, dates of birth or ages.)

4. The respondent has(any one or more of the grounds available for judicial separation may be pleaded here. The matrimonial offence charged should be set in separate paragraphs with times and places of their alleged commission. The facts on which the claim to relief is found should be stated in accordance with the Rules and as distinctly as the nature of the case permits).

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

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

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

OR

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

Serial No.	Name of parties	Nature of proceedings with section of the that Act	Number of year of the case	Name and location of court	Result
------------	-----------------	--	----------------------------	----------------------------	--------

- i.
- ii.
- iii.
- iv.

8. The marriage was solemnized at.....the parties last resided together at.....The parties are now residing at.....(within the local limits of the ordinary original Jurisdiction of this Court).

9. The petitioner submits that this Hon'ble Court has jurisdiction to entertain this petition.

10. The petitioner, therefore, prays for a decree for restitution of conjugal rights against the respondent.

Sd/-

Petitioner

VERIFICATION

The above named petitioner states on solemn affirmation that paras I to.....of the petition are true to the petitioner's knowledge and paras..... to.....are that to the Petitioner's information received and believed to be true by him/her.

Verified at.. (place).

Dated.....

Sd/-

Petitioner

FORM C/D'

In the District Court at

..... Petitioner

-Vs-

..... Respondent.

Petition for decree of nulity of Marriage under Section 24 (1) of the Special Marriage Act, 1954 (No. 43 of 1954).

The petitioner prays are follows:-

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

The marriage between the parties as solemnized/registered

Under Chapter II/Under Chapter III of the Act by the Marriage Officer

of.. . . . at.. . . .on..A certified copy of the certificate of marriage is attached with this petition.

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

	Husband		Wife	
	Status	Age	Place of residence	Place of residence
(i) Before marriage				
(i) at the time of filing the petition				

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

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

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

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

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

8. There has not been any previous proceedings with regard to the marriage by or on behalf of the parties:-

OR

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

Sl. No.	Name of parties	Nature of proceedings with section of the that Act	Number and year of the case	Name and location of court	Result
---------	-----------------	--	-----------------------------	----------------------------	--------

- i.
ii.
iii.
iv.

9. The marriage was solemnized at.....The parties last resided together at.....The parties are now residing at(within the local limits of the ordinary original jurisdiction of this court).

10. The petitioner submits that this Hon'ble court has jurisdiction to entertain this petition.

11. The petitioner, therefore, prays for a decree for judicial separation against the respondent.

Sd/-
Petitioner.

VERIFICATION:

The above named petitioner states on solemn affirmation that paras to of the petition are true to the petitioner's information received and believed to be true by him.

Verified at.....(Place)

Sd/-
Petitioner.

OR

3. (In this paragraph states the names of the children, if any, of the marriage together with their sexes, date of birth or ages)

4. (State here one or more of the grounds of which a decree nullity is sought. Facts on which the claim to relief is founded should be stated in compliance with the Rules and as distinctly as the nature of the case permits).

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

OR

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

Serial No.	Name of parties	Nature of proceedings with section of the that Act	Number of year of the case	Name and location of court	Result
i.					
ii.					
iii.					
iv.					

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

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

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

9. The marriage was solemnized at The parties are resident of/parties last resided together at

OR

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

10. The petitioner submits that this Hon'ble Court has jurisdiction to entertain this petition.

11. The petitioner, therefore, prays that the marriage solemnized between the parties under the Act being null and void may be so declared by the Court by a decree of nullity.

Sd/-
Petitioner

VERIFICATION

The abovenamed petitioner states on solemn affirmation that paras 1 to of the petition are true to the petitioner's knowledge and paras to are true the petitioner's information received to be true by him.

Verified at.....(Place).

Dated:.....

Sd/-
Petitioner

FORM "E"

In the District Court at.....

..... Petitioner

-Vs-

..... Respondent.

Petition under Section 24(2) of the Special Marriage Act, 1954 (No. 43 of 1954) for having the registration of a Marriage under Chapter III of the Act declared to be of no effect.

The Petitioner prays as follows:

1. The Petitioner is the husband/wife of Respondent. The Marriage between the parties was registered under Chapter III of the Act by the Marriage Officer of.....at..... on..... and it may be deemed to be marriage solemnized under the Act by virtue of the provisions of Section 18. A certified copy of the certificate of marriage is attached with this petition.

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

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

3. (In this paragraph state the name of the children, if any, of the marriage together with their sex, date of birth or ages).

4. (State here one or more of the statutory grounds on which relief is sought. Facts on which the claim to relief is founded should be stated as distinctly as the nature of the case permits).

5. There has not been any previous proceedings with regard to the marriage by or on behalf of the parties:-

OR

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

Serial No.	Name of parties	Nature of proceedings with section of the Act	Number and year of the case	Name and location of court	Result
i.					
ii.					
iii.					
iv.					

6. There has not been any unnecessary or improper delay in filing this petition.
7. The petition is not presented in collusion with the respondent.
8. There is no other legal ground why the relief should not be granted.
9. The marriage was solemnized at The parties last resided together at The parties are now residing at..... (Within the local limits of the ordinary original jurisdiction of this court).
10. The Petitioner submits that this Hon'ble court has jurisdiction to entertain this petition.
11. The Petitioner, therefore, prays that the registration of the said marriage under Chapter III of the Act may be decided by court to be of no effect.

Sd/
Petitioner

VERIFICATION

The abovenamed petitioner states on solemn affirmation that paras I to ... of the petition are true to the Petitioner's knowledge and paras.....to... are true to the Petitioner's information received and believed to be true by him.

Verified at.....(Place),
Date.....

Sd/-
Petitioner

FORM "F"

In the district Court at.....
..... Petitioner
-Vs-
..... Respondent.

Petition for the annulment of a marriage under Section 25 of Special Marriage Act, 1954 (No. 43 of 1954).

The petitioner prays as follows:-

1. The petitioner is the husband/wife of the Respondent. The marriage between the parties was solemnized under chapter II/registered under Chapter III of the Act by the Marriage Officer of.....at.....on..... A certified copy of the certificate of marriage is attached to thus petition.

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

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

3. (In this paragraph states the names of the children, if any, of the marriage together with their sex dates of birth or ages).

4. (State here one or more of the statutory grounds on which relief is sought. Facts on which the claim to relief is founded should be stated as distinctly as the nature of the case permits).

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

OR

There have been the following previous proceeding with regard to the marriage by or on behalf of any party:-

Serial No.	Name of parties	Nature of proceedings with section of the Act	Number and year of the case	Name and location of court	Result
i.					
ii.					
iii.					
iv.					

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

7. The marriage was solemnized at..... The parties reside at.....
The parties last resided together at.....

OR

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

8. The petitioner submits that this Hon'ble Court has jurisdiction to entertain this petition.

9. The petitioner, therefore, prays that the marriage between parties being voidable, may be annulled by the court by a decree of nullity.

Sd/-

Petitioner

VERIFICATION

The above named petitioner states on solemn affirmation that paras I to ...
...of the petitioner are true to the petitioner's knowledge and paras... ..to..
...are true to the petitioner's information received and believed to be true by
him.

Verified at.....(Place)

Sd/-

Petitioner

FORM 'G'

In the District Court at.....

..... Petitioner

-Vs-

..... Respondent.

*Petition for divorce under Section 27 of the Special Marriage Act, 1954
(No. 43 of 1954).*

The petitioner prays as follows:-

1. The petitioner is the Husband/Wife of the respondent. The marriage between the parties was solemnized under registered under Chapter II of the Act by the Marriage Officer of... Chapter III at... on...
 A certified copy of the certificate of marriage is attached with this petition.

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

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

3. (In this paragraph State the names of the children, if any, of the marriage together with their sex, dates of birth or ages).

4. (The respondent hasone or more of grounds specified in Section 27 of the Act may be pleaded. The facts on which the claim to relief is founded should bein accordance with the Rules and as distinctly as the nature of the case permits).

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

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

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

8. There has not been any unnecessary or improper delay in instituting the proceeding.

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

OR

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

Serial No.	Name of parties	Nature of proceedings with section of the that Act	Number of year of the case	Name and location of court	Result
------------	-----------------	--	----------------------------	----------------------------	--------

- i.
- ii.
- iii.
- iv.

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

11. There is no other ground why relief should be granted.

12. The marriage was solemnized at The husband and wife reside at The husband and wife last resided together at... ..(within the local limits of the jurisdiction of this court.

OR

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

13. The petitioner submits that this Hon'ble Court has jurisdiction to entertain the petition.

14. The Petitioner therefore , prays that he may be granted a decree of divorce against the respondent and (to be score out if unnecessary) may further be granted a decree for recovery of Rs.....as damages against the adulterer co-respondent.

Sd/-
Petitioner

VERIFICATION

The above named petitioner states on solemn affirmation that paras I to... ..of the petition are true to the petitioner knowledge and paras.....to are true to the petitioner's information received and believed to be true by him.

Verified at (Place)

Dated

Sd/-
Petitioner

FORM 'H'

In the District Court at.....

(Husband).....

(Wife).....

... Petitioners

Petition for divorce by mutual consent under Section 28 of the Special Marriage Act, 1954 (No.43 of 1954).

The petitioners pray together as follows:-

1. A marriage between the petitioners was solemnized under Chapter II/ registered under Chapter III by the Marriage Officer of..... at..... on.....

.. A certified copy of the certificate of marriage is attached to this petition.

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

	Husband		Wife	
	Status	Age	Status	Age
(i) Before marriage				
(i) At the time of filing the petition				

3. (In this paragraph state the names of the children, if any of the marriage together with their sex, dates of birth or ages)

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

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

6. There is no collusion between the petitioner.

7. There have been the following previous proceedings with regard to the marriage by or on behalf of any party:-

OR

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

Serial No.	Name of parties	Nature of proceedings with section of the Act	Number and year of the case	Name and location of court	Result
------------	-----------------	---	-----------------------------	----------------------------	--------

- i.
- ii.
- iii.
- iv.

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

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

10. The marriage was solemnized at..... The petitioner reside at.....The petitioner's at resided together at.....

11. The petitioners submit that this Hon'ble court has jurisdiction to entertain this petition.

The petitioner, therefore, pray for decree declaring the marriage to be dissolved with effect from the date of the decree.

Sd/-.....(Husband)

Sd/-.....(Wife)

...Petitioners

VERIFICATION:

The above named petitioners state on solemn affirmation that paras I to.....of the petition are true to their knowledge and paras.....to..... are true to their information received and believed to be true by them.

Verified at.....(Place).

Sd/-.....(Husband)

Sd/-.....(Wife)

Petitioners

FORM 'I'

In the District Court at

.....Applicant.

versus

.....Respondent

Application under Section 29 of the Special Marriage Act, 1954(No. 43 of 1954) praying that a petition for divorce may be allowed to be presented within one year of the date of entering the certificate of marriage in the Marriage Certificate Book.

The applicant prays as under:

1. The applicant is the husband/wife of the respondent. The marriage between the parties was solemnized under Chapter II/registered under Chapter III of the Act by the Marriage Officer of at on and a certificate of marriage was entered in the Marriage Certificate Book on A certified copy of the certificate of marriage is attached with this application.

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

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

3. (In this paragraph state the names of the children if any of the marriage together with their sex, dates of birth or ages).

4. There is a case of exceptional hardship to the petitioner exceptional depravity on the part of the respondent as the (State herein accordance with the Rules and as distinctly as the exceptional hardship or depravity, as the case may be).

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

OR

There have been the previous following proceeding with regard to the marriage by or on behalf of the party.

Serial No.	Name of parties	Nature of proceedings with section of the Act	Number and year of the case	Name and location of court	Result
------------	-----------------	---	-----------------------------	----------------------------	--------

- i.
- ii.
- iii.
- iv.

6. The marriage solemnized at.....parties reside at..... The parties last resided together at.....

OR

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

7. The applicant, therefore submits that the Hon'ble Court has jurisdiction to entertain this application.

8. The applicant therefore prays that he/she may be allowed to present a petition for divorce within one year of the date of entering the certificate of marriage in the Marriage Certificate Book.

Sd/-

Applicant

VERIFICATION

The above named applicant states on solemn affirmation that paras I to.....of the application are true to the applicant's knowledge and paras.....are true to the applicant's information received and believed to be true by him/her

Verified at(place)

Date:-.....

Sd/-

Applicant.

FORM 'J'

In the District Court at

.....Applicant.

versus

.....Respondent

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

1. A proceeding under Chapter V/VI of the Act is pending in this court between the parties, (Give the number and title of the case, date of hearing etc.)
2. The applicant owns no other movable or immovable property, and has no other income except, (Give full particulars of the applicants property and

income etc.)

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

4. The respondent has sources of income and own property mentioned below (Give full particulars about respondents income and property etc.)

5. The only person dependent upon the respondent is the applicant herself or the applicant and.....

6. The respondent has not made any provision for the applicant's maintenance.

7. The applicants submits that having regard to the respondents own income and his property and having regard to the facts that the applicant has no independent income sufficient for her support and the necessary expenses of the proceeding, a sum of Rs.....per week/month as and by way of her support is the just and proper amount.

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

Sd/-
Applicants

VERIFICATION

The above named applicant states on solemn affirmation that paras 1 to.....of the application are true to the applicant's knowledge and paras.....to.....are true to the applicant's information received and believed to be true by her.

Verified at..... (place).

Date:

Sd/-
Applicant.

FORM 'K'

In the District Court at

..... Appellant

versus

..... Respondent.

Application for permanent alimony and maintenance under Section 37 of the Special Marriage Act, 1954 (No. 43 of 1954).

The applicant prays as under:

1. A proceedings between the parties under Chapter V, VI of the act is pending in the Court (Give particulars like has been decided by section of the Act, number and title of case, date of decree or hearing).

2. The applicant owns no other movable or immovable property and has no other source of income except (Give full details of applicants income and property etc.)

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

4. The respondent has sources of income and owns property mentioned below. (Give full particulars about respondents income and property etc.)

5. The only person dependent upon the respondent is the applicant herself or the applicant and

6. The respondent has not made any provision for the applicants maintenance and support.

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

The applicant prays that having regard to the income of the parties and their conduct, the respondent may be ordered to secure to the applicant for her maintenance and support until her death gross sum of Rs.....

Monthly

periodical

and (Scope out if unnecessary) the said sum should be made a charge on the respondent's property.

Sd/-
Applicant

VERIFICATION

The above named applicant states on solemn affirmation that paras I to.....of the application are true to the applicants knowledge and paras.....to are true to the applicants information received and believed to be true by her.

Verified at.....(place)

Dated:.....

Sd/-
Applicant.