

INTERNATIONAL JOURNAL OF LAW
MANAGEMENT & HUMANITIES
[ISSN 2581-5369]

Volume 5 | Issue 6

2022

© 2022 International Journal of Law Management & Humanities

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com/>)

This article is brought to you for “free” and “open access” by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in the International Journal of Law Management & Humanities after due review.

In case of any suggestions or complaints, kindly contact Gyan@vidhiaagaz.com.

To submit your Manuscript for Publication in the International Journal of Law Management & Humanities, kindly email your Manuscript to submission@ijlmh.com.

Examining the Consent Theory of Divorce vis-à-vis Practices of Collusion, Cooling-Off Period, and Available Remedies: Key Rationale, Judicial Holdings, and Related Issues

MUSKAAN BHASIN¹

ABSTRACT

In a country like India, the concept of marriage is considered to be a very sacramental practice and holds a greater societal, cultural, and emotional importance in people's lives. Indian marriages are performed with great purity, it harmonizes two individuals for ultimate eternity and also teaches people the meaning of 'living together'. In fact, Manusmriti declared 'marriage' as "the highest dharma" of the two people and as an "indissoluble union" between them. A successful marriage is a significant element in people's life in order to attain happiness, however, there may arise situations that can be deemed as a phase of anger or other problems between a couple due to which they may want to decide to opt-out of the marriage. This can be easily achieved owing to the various additions to laws relating to divorce in India. The concept of Divorce under the Hindu Marriage Act has been mainly based on three different theories i.e., first, the Fault Theory, Second, divorce by Mutual Consent Theory, and third, the Irretrievable Breakdown of Marriage Theory. This paper focuses on the Mutual Consent theory of divorce described under Section 13B of the Hindu Marriage Act and discusses various related issues.

Keywords: Mutual Consent, Divorce, Cooling-off Period, Marriage, Hindu Marriage Act.

I. INTRODUCTION

Out of all the available theories of divorce, the Mutual Consent Theory is by far the most convenient and uncomplicated form of divorce through which the parties can end their matrimonial relationship.² This theory is substantiated by Section 13B³ of the Hindu Marriage Act, 1976 (*hereinafter referred to as 'HMA'*) which was added by The Marriage Laws (Amendment) Act, 1976. This theory of divorce has been a ground for divorce in the marriage laws governing the Hindus since 1976. Prior to this addition, the only statutory provision

¹ Author is a student at School of Law, Bennett University, Greater Noida, India.

² Hitabhilash Mohanty & Janice Ayarzagotia, 'The Philosophy of Divorce in Indian Legal Context: A study of Theories of Divorce', SSRN, (Mar 12, 2021), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3727641

³ Hindu Marriage Act, 1955 – Section 13B – 'Divorce by Mutual Consent'.

governing divorce by mutual Consent was the Special Marriage Act, of 1954⁴ through which the spouses married under the same Act could get their marriage annulled by obtaining a decree of divorce (lawfully) by mutual consent. Under the HMA, there are certain **necessities** that are required to be fulfilled for the grant of the divorce decree by mutual consent, these include – *one*, that the spouses have to be living separately for a period of at least one year; *two*, they have not been able to cohabitate together and *three*, that they have mutually consented to end their marriage.⁵

Whenever there is an application for divorce by mutual consent, the courts do not start the hearing at an early date whereas, the parties are mandatorily required to come back together after a considerable period of time in order to move the court to take a decision on the joint petition filed by them. In case they fail to do so, the court will **not** summon them and will be free to assume that the respective parties have changed their minds. In case only one of them shows up, in that situation also – no decision would be granted by the courts in the absence of the other party as consent from the other spouse would be absent.⁶ Therefore, it can be noted that divorce by Mutual Consent, even though the simplest form of divorce is also not a cakewalk. It has its own checks, takes its own time, and has its own preconditions.

II. ANALYZING THE MUTUAL CONSENT THEORY OF DIVORCE IN THE LIGHT OF MALPRACTICES OF COLLUSION:

Whether it has been successful to overcome the malpractice of collusion in order to get a decree for divorce by parties?

Divorce by mutual consent is not like the usual divorce cases – where one-party fights for divorce and the other party resists for the same. In this type of divorce, both parties make a joint petition for the purpose of attaining a divorce decree. Both parties have **genuine intentions** and a **real desire** to seek divorce in order to get rid of each other for mutual good.⁷ The relationship between the parties is such that, if they continue to live with each other, they both would suffer, and life of both parties would get spoilt. In order to avoid that moral degradation between parties, the law provides the parties with an option to get separated by mutually agreeing to do so in the Court of law. This lets the parties walk away from each other without having to fight

⁴ The Special Marriage Act, 1954, No. 43 of 1954.

⁵ Subodh Asthana, *Waiting Period in Mutual Consent of Divorce*, IPLEADERS, (May 20, 109), available at - <https://blog.ipleaders.in/waiting-period-mutual-consent-divorce/>

⁶ Achal Gupta, *'Divorce by Mutual Consent and Contempt of Court'*, SCCONLINE, (November 9, 2020), available at - <https://www.sconline.com/blog/post/2020/11/09/divorce-by-mutual-consent-and-contempt-of-court/>

⁷ Indira Sharma & Balram Pandit & Abhishek Pathak & Reet Sharma, *'Hinduism, Marriage and Mental Illness'*, PMC, Jan 2013, available at - <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3705690/>

or “wash their dirty linen in public”.⁸ However, there are various **criticisms** against this type of divorce, one of them, being that this type of divorce is deceitful to the courts by the way of **collusion**. There are seamless objections against this type of divorce stating that the consent of the party is obtained by fraud, force, or some other method that defeats the whole purpose of this theory – this is called ‘collusion’. In other words, it is a situation in which spouses agree to commit fraud against the court through an agreement between the spouses to make the court believe in the existence of certain facts or circumstances whereas it is in the knowledge of the parties that such facts and circumstance are non-existent and false⁹.

The creation of such facts and circumstances is only done by the parties in order to make the court believe that they rightfully deserve the divorce to be granted and ask for a grant for the relief prayed for in the petition. The claim put forward is a complete sham, the contest made is unreal and the decree prayed for is also just a mere fabrication to fool the judicial system¹⁰. Thus, the word “collusion” is a strong term which by its very onset is a deceitful agreement for the purpose of defrauding everyone, not just the court but also the families and friends involved and affected by the marriage and its end thereof. Hence, the courts have an obligation to be **fully satisfied** with the intentions of the party while accepting an application for divorce (in order to be sure that parties have not colluded to deceive the court). If the court is of the finding that such is the case then, it has the authority to not entertain the application. Divorce by this theory should only be granted to the parties if, both carry an actual intention for the purpose of getting their marriage dissolved, since then, it would not fall under the umbrella of malpractices such as collusion. The difference between ‘consent’ and ‘collusion’ is that it will only be a collusive divorce if both parties involved have not consensually agreed to the divorce and collude under coercion or due to any other reason without actually meaning to divorce each other¹¹. It can thereby be deemed that, a genuine divorce by mutual consent should involve honest consent by both parties and that is **not synonymous** with a collusive divorce.

The question of ‘whether the Consent Theory of Divorce has been successful in being able to reduce the malpractice of Collusion or not’ can be answered with the reference to certain judicial holdings granted by the court: In the case of *Mrs. B. vs Mr. V*¹², it was alleged in the court that the petitioner was coerced by the respondent by means of cruelty in order to give her consent to

⁸ *Ibid.*

⁹ Naomi Michaels, ‘*Collusion as a Discretionary Bar to Divorce*’, JSTOR, The Modern Law Review, Vol. 29 (May 1966), available at - https://www.jstor.org/stable/1093567#metadata_info_tab_contents

¹⁰ ..., ‘*Explanation of the Theory of Mutual Consent*’, LEXFORTI, (May 9, 2020), available at - <https://lexforti.com/legal-news/explanation-of-the-theory-of-mutual-consent/>

¹¹ *Ibid.*

¹² (1987) 89 BOMLR 448.

be granted a divorce under this theory – this gave rise to the comparison being made between ‘divorce by compromise’ and ‘divorce by consent’ wherein the court was of the view that when a compromise can be attained directly, there is no point stating that it cannot be attained indirectly by way of collusion and since both parties had signed the petition, there was not enough evidence available with the court to deem that that consent had been attained through cruelty or collusion. Hence a divorce decree was passed under mutual consent.

Further in the case of *Saroj Rani v. Sudarshan Chadha*¹³, from the facts and circumstances of the case, it was found that there was no collusion between the parties, and they were granted a divorce by mutual consent similar was the case of *Krishna Khetrapal vs Satish Lal*¹⁴ wherein, the parties were able to prove that there was no collusion when divorce by mutual consent was asked by waiving the 6 months period and that the consent was obtained without fraud or force. In the case of *Roopa Reddy vs. Prabhakar Reddy*¹⁵ parties were successful in proving that there was no external threat, influence, or collusion behind the purpose of divorce by Mutual Consent. In the case of *Dr. A. Rekharani v. K.C. Prabhu*¹⁶, the parties satisfied the court in proving that consent was obtained lawfully, with the free will of both the parties and there was no collusion. In the case of *Malwinder Kaur v. Devinder Pal Singh*¹⁷ again the parties were able to prove that they had not colluded and that their consent was valid.

Hence, from **the trend of decisions** followed in the courts, it can be noted that even though there are very high chances of parties using collusion as a way to obtain a decree for divorce by Mutual Consent theory, the Judiciary has constantly attempted to investigate the intention and purpose of the parties seeking such a divorce. However, in reality, there may exist certain cases where the courts have had to pass a divorce decree due to a lack of evidence of such collusion. There have also been several cases in which spouses have agreed to produce evidence of adultery in order for the court to grant a divorce on grounds of adultery against one spouse. Hence, the positive side is that, due to the introduction of the Consent Theory of divorce, parties do not have to resort to those measures. Now the parties simply have to prove to the court of law that they have genuinely consented to separate from each other as they have differences that cannot be resorted and that they have been living apart for more than a year.

¹³ Civil Appeal No. 187 of 1983.

¹⁴ HC Civil Appeal No. 131M of 1884.

¹⁵ HC Mat Appeal No. 1019 of 1987.

¹⁶ HC Mat Appeal No 87 of 2007.

¹⁷ HC Civil Appeal No. 197 of 2003.

III. THE REMOVAL OF COOLING-OFF PERIOD BY THE SUPREME COURT:

An analysis of the decision of the Supreme Court in removing the compulsory “Cooling-off period” from Divorce by Mutual Consent.

According to section 13 B of the Hindu Marriage Act, 1955, it is mandatory that in a case of divorce by mutual consent, there has to be as a period of 18 months of separation in order to obtain a divorce by Mutual Consent, the spouses must wait for a period of 6 months after filing the petition.¹⁸ This waiting period of 6 months is given to the spouses in order to rethink and reconsider the decision and withdraw the petition if the spouses feel that the petition was filed in the moment of frustration or anger. Marriage is considered as a sacramental bond in India and the Indian culture does **not favor divorce** as much as the western culture does. It is, therefore, a very big decision in the lives of people even today, during the apparent ‘changing times’ owing to the fact that society is slowly becoming more open to such notions and the law is still developing. Hence, the courts gave a period of 6 months to the spouses – known as the “cooling-off period” as a second chance for the parties to cool down and be sure of their decision.

Judicial Holdings with reference to the debate for ‘cooling-off period’: six-month period discretionary or mandatory?

There are several judicial holdings that have **upheld the significance** of the ‘cooling-off period’. For instance, in the case of *Hitesh Narender Doshi v. Jesal Hitesh Joshi*¹⁹, it was held that the provision which allows the couple to have a 6-month cooling off period has a ‘definite purpose and object’, giving time to the parties for introspection and reconciliation where they could take time to think whether they really wanted to end their marriage or not. In the case of *Anil Kumar Jain v. Maya Jain*²⁰, the Supreme Court depicted that the survival of the statute prescribed under 13 B of HMA stated that the period of waiting cannot be dispensed with due to its significance in determining whether the divorce should be granted or not. Further, in the case of *Kanchan Mohanty v. Kulamaril Mohanty*²¹, the court set aside the decree of **waiving the cooling-off period** as it was interpreted that it was a mandatory principal and in the case of *M. Krishna Preetha v. Dr. Jayan Moorkkannatt*²², the courts stated that the idea behind the waiting

¹⁸ Staff Reporter, ‘Divorce by Mutual Consent: HC waives cooling off period’, THEHINDU, (May 9, 2019 23:00, IST), available at - <https://www.thehindu.com/news/national/divorce-by-mutual-consent-hc-waives-cooling-off-period/article27084494.ece>

¹⁹ 2000 (3) ALD 81, 2000 (2) ALT 609.

²⁰ SC Civil Appeal No. 5952 of 2009.

²¹ HC O.S. No. 5 of 1988.

²² HC Appeal No. 633 of 2008.

period is of giving the parties the liberty and option to withdraw the consent in order to save their marriage.

Whereas there are also several cases in which the **cooling-off period has been waived off**, i.e., in the case of *Chiranjit Singh Mann v. Neelam Mann*²³, the court opined that the period of 6 months would only extend the litigation period and agony of the parties for no good and *Arvind Sharma vs. Dharna Sharma*²⁴, interpreted that Section 13 B even though framed in ‘mandatory form’ is actually ‘directory’ in nature.

In a recent decision of *Amardeep Singh v. Harveen Kaur*²⁵, the Supreme Court had a chance to interpret the law relating to the mandatory cooling-off period in cases of divorce by mutual consent. In this case, the spouses were living separately for the past 8 years and came to a settlement for all the disputes between them before filing for the divorce. The parties contended that since they had already settled their disputes, there was no point in waiting for a period of 6 months as required by the law. Before this case, the Supreme Court had allowed the parties to waive off the 6-month period but there were always exceptional reasons that were proved to the court.²⁶ The issue before the Court was whether the court could grant relaxation of the waiting period mentioned under the section without placing reliance on **Article 142**²⁷ of the Constitution. If it was found that the provisions were not mandatory, then there was no need for the courts to rely on the constitutional provision for waiving off the waiting period. Here, one of the most significant cases that the Court relied upon was *Manish Goel v. Rohini Goel*²⁸ where the Supreme Court laid down that the correct jurisdiction of the Supreme Court under Article 142 could not be used in order to waive off the waiting period for filing the second motion under Section 13B – since doing so would mean passing an order in **contravention of a statutory provision**. It was further stated that the courts are meant to enforce the ‘Rule of Law’ and not pass orders which are contrary to what has been injected by law.

The court further said that the object of the said provision is to only **enable the parties** to dissolve a marriage by consent if the relationship between the parties has become so irretrievably broken down and to give them an opportunity to rehabilitate the differences as per the options available to them. It was held that the 6-month cooling off period was **not**

²³ HC Appeal No. 1196-CII of 2001.

²⁴ HC Appeal No. 844 of 1997.

²⁵ SC Civil Appeal No.11158 of 2017.

²⁶ Krishna Hariani & Trupti Daphtary, ‘The Cooling-Off Period and the Use of Video Conferencing’, MANUPATRAFAST, (Nov, 2017), available at <http://www.manupatrafast.in/NewsletterArchives/listing/Hariani/2017/Nov/Divorce%20Law%20Updates-%20The%20Cooling-Off%20Period%20and%20the%20Use%20of%20Video%20Conferencing.pdf>

²⁷ The Constitution of India, 1950 – Article 142 – ‘Enforcement of decreed and orders of Supreme Court...’

²⁸ Civil Appeal No. 2954 of 2010

mandatory but directory – in the sense that it would lie in the discretion of the court whether to give or not the cooling off period to the parties depending upon the facts and circumstances of the case.

The Courts would have the discretion to waive off the waiting period if: **firstly** if a period of 6 months²⁹ along with the period of one year of separation³⁰ of the spouses has already been completed in the first motion itself; **secondly**, if all efforts for conciliation or mediation including efforts as mentioned under Section 23(2)³¹ under Family Courts Act have been made to reunite party and nothing could be done to reunite the spouses; **thirdly**, the parties have **genuinely** settled their difference on issues like alimony, custody of the child or any pending issues between the parties and **finally** when the spouses have proved that the waiting period will not do them any good but only prolong their agony.³²

Considering the abovementioned conditions for the spouses to fulfil before being able to waive the waiting period, it is satisfactory of the fact that the couple has actually done everything that could possibly resolve their disputes and there is no chance of reconciliation between them. Hence, if so, this is the case, then there is **no point for the Courts to make the spouses** remain in a relationship for 6 more months as it will not only be a waste of time for the parties but also a waste of time for the Honourable Courts. Hence, we can say that **the Supreme Court was right in waiving off the cooling-off period** considering that the couples do not try to abuse the judicial system by use of unfair practices in order to waive off that period. It will be at the discretion of the Courts in different cases depending upon the facts and circumstances of the case. The role of the statutory provision is to maximize the convenience of the general public and if the parties derive so by the removal of the cooling-off period, the judiciary and legislature are functioning in the fairest, most reasonable, and just manner.

IV. CONSENT THEORY OF DIVORCE: Criticisms and Possible Remedies

The underlying rationale behind this theory is that since two people are allowed to marry of their own free will, they should also be allowed to leave the relationship of their free will. However, there are many critics of this theory saying that this approach **promotes immorality** in the sense that – it leads to hasty divorces between the parties and that it would dissolve their marriage even if there is a slight possibility of reconciliation and due to mere incompatibility of

²⁹ Hindu Marriage Act – Section 13B (2).

³⁰ *Ibid* – Section 13B (1).

³¹ The Family Courts Act – Section 23 – ‘Power of the State Government to make rules’

³² Mahip Singh Sikarwar, ‘India: Waiver of Cooling Period Under Sec 13B (2) Of Hindu Marriage Act, 1955’, MONDAQ, (2 Feb, 2018), available at - <https://www.mondaq.com/india/Family-and-Matrimonial/669828/Waiver-Of-Cooling-Period-Under-Sec-13B-2-Of-Hindu-Marriage-Act-1955>

temperament.³³ Critics also say that the Consent theory of divorce makes divorce **very easy and very difficult** at the same time. It has been seen that divorce by mutual consent offers a **great temptation** to hasty and ill-considered divorces. Moreover, parties unnecessarily magnify their disputes, differences, discomforts, and other difficulties that arise due to the normal wear and tear of the marriage, mere problems of mutual adjudgments become a reason to rush to divorce courts leading to irrecoverable consequences to the whole family.

It is also believed that divorce under this theory requires the consent of both parties and if one party does not give consent, there can be no divorce under this theory hence other theories come into the picture making the process longer and more time-consuming. Thus, the law also provides various remedies and safeguards that are necessary under this type of approach³⁴. If there is consent from only one party, there is no need to obtain the consent fraudulently as there are other grounds and options available for divorce such as – Fault Theory and Irretrievable Breakdown of Marriage Theory. Divorce proceedings can be very time-consuming, lengthy, and complicated but it is not impossible. Hence, there is no need for parties to resort to illegal means. The law safeguards the interests of every citizen and if a person genuinely wants to end his/her relationship, they can do so by using suitable grounds in a court of law.

V. CONCLUSION

Every human being is different. This is an aspect that should be respected and embraced in the relationship of marriage. But the ugly truth is that this is the very aspect that creates temperamental and behavioral differences between the two. When these differences build up to the point where the husband and wife concluded that they are too different to settle together – the theory of divorce by mutual consent acts as an effective way for the couple to part ways. This theory provides the parties with a more *subtle* and *civilized* way of separation rather than the way in which they would put false and frivolous allegations and humiliate each other in court. Just like every other law, this law has certain loopholes, but there are also remedies that the law provides for safeguarding the interests of every individual.

We can say that divorce laws have tremendously progressed and developed since 1954 and have been developing year by year with changing requirements of people. Mutual Consent theory of divorce has proved to be an effective way of divorce as it not only saves time for both the spouses and the courts but also reduces the agony and lengthy litigations the spouses would

³³ Chapter IV – ‘Different theories of divorce’, INFLUBNIT, available at - https://shodhganga.inflibnet.ac.in/bitstream/10603/39005/12/12_chapter%204.pdf

³⁴ ..., ‘Different Theories of Divorce’, Chapter – IV, SHODANGA INFLIBENT, available at - https://shodhganga.inflibnet.ac.in/bitstream/10603/39005/12/12_chapter%204.pdf

have to go through in the absence of this type of divorce.

VI. REFERENCE

Articles

1. Nitisha, '*Hindu Marriage in India*'.
2. Hitabhilash Mohanty & Janice Ayarzagoitia, '*The Philosophy of Divorce in Indian Legal Context: A study of Theories of Divorce*'.
3. Subodh Asthana, '*Waiting Period in Mutual Consent of Divorce*'.
4. Achal Gupta, '*Divorce by Mutual Consent and Contempt of Court*'.
5. Indira Sharma & Balram Pandit & Abhishek Pathak & Reet Sharma, '*Hinduism, Marriage and Mental Illness*'.
6. Naomi Michaels, '*Collusion as a Discretionary Bar to Divorce*'.
7. ..., '*Explanation of the Theory of Mutual Consent*'.
8. Staff Reporter, '*Divorce by Mutual Consent: HC waives cooling off period*'.
9. Krishna Hariani & Trupti Daphtary, '*The Cooling-Off Period and the Use of Video Conferencing*'.
10. Mahip Singh Sikarwar, India: '*Waiver of Cooling Period Under Sec 13B (2) Of Hindu Marriage Act, 1955*'.
11. Chapter IV: '*Different theories of divorce*'.
12. ..., '*Different Theories of Divorce*'.

Weblinks

1. YOURARTICLELIBRARY, available at - <http://www.yourarticlelibrary.com/marriage/hindu-marriage-in-india/47454>
2. SSRN, (Mar 12, 2021), available at - https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3727641
3. IPLEADERS, (May 20, 109), available at - <https://blog.ipleaders.in/waiting-period-mutual-consent-divorce/>
4. SCC ONLINE, (November 9, 2020), available at - <https://www.sconline.com/blog/post/2020/11/09/divorce-by-mutual-consent-and-contempt-of-court/>
5. PMC, Jan 2013, available at - <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3705690/>

6. JSTOR, The Modern Law Review, Vol. 29 (May 1966), *available at* - https://www.jstor.org/stable/1093567#metadata_info_tab_contents
7. LEXFORTI, (May 9, 2020), *available at* - <https://lexforti.com/legal-news/explanation-of-the-theory-of-mutual-consent/>
8. THE HINDUNDU, (May 9, 2019, 23:00, IST), <https://www.thehindu.com/news/national/divorce-by-mutual-consent-hc-waives-cooling-off-period/article27084494.ece>
9. MANUPATRAFAST, (Nov 2017), <http://www.manupatrafast.in/NewsletterArchives/listing/Hariani/2017/Nov/Divorce%20Law%20Updates-%20The%20Cooling-Off%20Period%20and%20the%20Use%20of%20Video%20Conferencing.pdf>
10. MONDAQ, (2 Feb 2018), <https://www.mondaq.com/india/Family-and-Matrimonial/669828/Waiver-Of-Cooling-Period-Under-Sec-13B-2-Of-Hindu-Marriage-Act-1955>
11. INFLUBNIT, *available at* - https://shodhganga.inflibnet.ac.in/bitstream/10603/39005/12/12_chapter%204.pdf
12. SHODANGA INFLIBENT, *available at* - https://shodhganga.inflibnet.ac.in/bitstream/10603/39005/12/12_chapter%204.pdf

Books

1. Mulla on Hindu Laws
2. Family Law – I, 4th Ed, 2015, Prof. Kusum

Case Laws

1. Mrs. B. vs Mr. V, (1987) 89 BOMLR 448.
2. Saroj Rani v. Sudarshan Chadha, Civil Appeal No. 187 of 1983.
3. Krishna Khetrpal vs Satish Lal, HC Civil Appeal No. 131M of 1884.
4. Roopa Reddy vs. Prabhakar Reddy, HC Mat Appeal No. 1019 of 1987.
5. Dr. A. Rekharani v. K.C. Prabhu, HC Mat Appeal No 87 of 2007.
6. Malwinder Kaur v. Devinder Pal Singh, HC Civil Appeal No. 197 of 2003.
7. Hitesh Narendra Doshi v. Jesal Hitesh Joshi, 2000 (3) ALD 81, 2000 (2) ALT 609.
8. Anil Kumar Jain v. Maya Jain, SC Civil Appeal No. 5952 of 2009.
9. Kanchan Mohenty v. Kulamaril Mohenty, HC O.S. No. 5 of 1988.
10. M. Krishna Preetha v. Dr. Jayan Moorkkannatt, HC Appeal No. 633 of 2008.

- 11.** Chiranjit Singh Mann v. Neelam Mann, HC Appeal No. 1196-CII of 2001.
- 12.** *Arvind Sharma vs. Dharna Sharma* HC Appeal No. 844 of 1997.
- 13.** *Amardeep Singh v. Harveen Kaur* SC Civil Appeal No.11158 of 2017.
- 14.** *Manish Goel v. Rohini Goel*, Civil Appeal No. 2954 of 2010.
