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# Mcd on nullity petition

7 years ago 9 Replies

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Leo

abcd

Points: 48

Hi,

Can I please check if it is possible to file MCD on Nullity case pending before the court? I had filed the Nullity case against my wife whereas my wife has filed divorce case against me. Now we are potentially coming on terms to get the matter resolved by MCD, however my wife's lawyer is suggesting to file MCD on the divorce case filed by them and not on the nullity case by us.

Any help is greatly appreciated.

Regards

Ash

Reply



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7 years ago



ha ha there is a socio-legal **reason** why he is insisting on it !

1. It will give her leverage in her re-marriage chances.



**GST Law and Analysis**  
with conceptual procedures  
Author: Bimal Jain

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Tajobsindia ▾

Senior  
Partner

👍 Likes:

2854

Points:

19810

See where your upper mind gets satisfaction from and if parties have come to MCD table then only this much I can say publicly.

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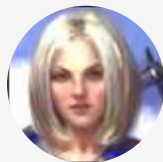
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*[if you seek my personal (social) opinion on this query, then I will give way to their last mile insistence bze the court has not adjudicated either sides claim (grounds for nullity / divorce - right) and as a man I still will have more options in my re-marriage chances compared to my ex wife in gender sensitive India but that is me which probably you may not be and vice-versa and there is a reason that is, it will save me from years in litigation and lawyers fees as I will not gain in proving to society anything in a nullity petition, society will still gossip but they will still give their daughter to me seeing my confidence and ability to earn an desent income for the family). BUT, you may be having a lawyer then ensure that both Nulity and Divorce petition respecitve parties filed gets entry (mention) in final Judgment of MCD which will be 'just' pill for male ego J ]*

Total likes : 2 times

↩ Reply

🕒 7 years ago



Nina Rakheja

Tajobsindia,  
what happens to male ego of the husband when wife files for divorce on **impotency ground?**

unhappily  
married

👍 Likes: 4

Points: 162

↩ Reply

🕒 7 years ago



Originally posted by : Nina Rakheja

Tajobsindia,  
what happens to male ego of the husband when wife  
files for divorce on impotency ground?

Tajobsindia ▾

Senior  
Partner

👍 Likes:

2854

Points:

19810



↩ Reply

🕒 7 years ago



for getting MCD, valid marriage is necessary.

u have filed for nullity of marriage (i.e. u r claiming that the  
marriage is void-ab-initio)

Shantanu  
Wavhal ▾

Worker

dont accept her offer of MCD.

she can withdraw her consent anytime before 2nd motion.

👍 Likes: 513

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🕒 7 years ago



Leo ▾

abcd

Points: 48

Dear sir, (@Tajobsindia and Amit),

So, what happens if I/we mention the nullity and divorce reference on the MCD petition, and if the girl changes her mind in second motion, is there any legal protection we have in terms of turning back to nullity case or counter their invalid demands?

I undersatnd and agree there is a social and legal reason behind my query, but moreover we both are young and in late 20's so why not buy-in another chance from the society, and looking at the legal system of delay and disappointment and gender biasness at all level, I am not sure if there is any prudent approach left for boy and his family?

Regards

Ash

↩ Reply

🕒 7 years ago



Tajobsindia ▾

Senior  
Partner

👍 Likes:

Originally posted by : Leo

@ Tajobsindia XXXX (@ Amit may give his take as per him, below is my reply)

So, what happens if I/we mention the nullity and divorce

2854

Points:

19810

reference on the MCD petition, and if the girl changes her mind in second motion, is there any legal protection we have in terms of turning back to nullity case or counter their invalid demands?

**Take:** It is not called legal "protection". There are two ways to answer this after opening 6 words;

**One** - If as per Terms & Conditions of MoU parties have honored their part of give/take/withdrawal etc. at first motion and then at second motion either party changes mind then it is not allowed is the protect from other party and thus MCD is granted. In this process legal protection party has.

**Two** - If as per Terms & Conditions of MoU parties have partially honored their part of give/take/withdrawal etc. at first motion and then at second motion either party changes mind then MCD after "enquiry by Court" is dismissed and parties respective original petitions on "nullity" and or "divorce" opens up for litigation as per facts / evidences etc. thus MCD is not granted. In this process legal protection party does not have.

I undersatnd and agree there is a social and legal reason behind my query, but moreover we both are young and in late 20's so why not buy-in another chance from the society, and looking at the legal system of delay and disappointment and gender biasness at all level, I am not sure if there is any prudent approach left for boy and his family?

**Take:** I already gave one prudent approach. Adding to it if in Terms and Conditions of MoU boy side is supposed to meet some monetary demands then that demand can be made as DD and deposited with Court subject to her coming on second motion statement recording and upon "enquiry" by Court satisfaction its release to wife is another "protection". here if wife does not record her second motion statement then monetary side deposited with Court boy receives it back and parties original respective petitions opens up for litigation.

I hope I clarified my part! If any more doubts remains then after understanding above takes you may PM me but I hardly see question of such PM may arise in future.....

↩ Reply

🕒 7 years ago



Amit ▾

NA

👍 Likes: 17

📌 Points: 1063

Interesting.

What were your grounds for nullifying the marriage?

When she's ready for MCD, what's the reason for her not to nullify the marriage?

There's six month cooling period in case of MCD and this can be extended to 18 months. So once you file first motion, if she's not honest then you need to wait for 18months to know that she's deceived you and then the story is back to where it was.

I'd like to know from legal experts here if both parties can petition the SC to waive this cooling off period (while the nullity case is still going on in family court)?

↩ Reply

🕒 7 years ago



Tajobsindia ▾

Senior Partner

👍 Likes:

2854

Points:

19810

ha ha

How many ID's @ Amit..... has :- ) This besides the point

My last views on this thread;

- By mere filing nullity and or divorce one does not get it nor can say legally that he/she was right as no decree pops without contesting either suit matter. It has to be proved by both sides is what I mean and it takes years no matter how strong your grounds are which to me are irrelevant to know.

- A wife never accepts that she is at fault so to show to society she in majority of cases of nullity first 'contests' it. In minority cases she RCR's" it.

- But may be her side knew they donot have much to gain with either contest or RCR so they created a devil in-between deep sea i.e. 'divorce' suit matter got admitted to confuse boy's side. I donot think "cruelty" is the cause as soon he filed "nullity" because mere taking grounds of nullity you cannot say *hai ji mere pe sarey jamaney ka cruelty ho gaya hai J*

- Now what happening is "mind games" in between both sides and both sides now know it will take ages to get decision either way.

- So there pops good cop / bad cop i.e. offer of MCD

- I'm not very sure now if this offer of MCD is based on plain vanilla paras i.e. no money nothing but simple MCD showing "ireconcivable differences between spouse and living 1 year separate" and since parties are agreeing mutually so do the "enquiry" and grant them decree in a MCD proceedings.

That may be the reason I think this query is here .....???

Further to @ Amit's rolled dice in this thread :-)

- They will come to know in 6 months where the court – court drama is leading so why wait for 18 months and or that matter even 2-1/2 years as was the case of another wife whom recently SC said allowed to wait that long ! In 6 months they can come back to original position by withdrawing and this even the boy can do why depend on girl if no money is being exchanged nor serious criminal cases on boy's head!

- They cannot use mercy under Art. 142 COI in SC reason being their youthful age and SC will tell them to enjoy litigation and come back to us when you ar ein your 60's :-)

Let @ Author clarify further if he wants to or may come on PM mode

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 7 years ago

[this is me - my only identity here](#)



Shantanu  
Wavhal ▾  
Worker

👍 Likes: 513  
Points: 7939



Amit-----●

Worker

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