



# Grounds for Divorce under Special Marriage Law

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## Special Marriage Act, 1954

**27. Divorce.** (1) Subject to the provisions of this Act and to the rules made thereunder, a petition for divorce may be presented to

the district court either by the husband or the wife on the ground that the respondent

(a) has since the solemnization of the marriage committed adultery; or

(b) has deserted the petitioner without cause for a period of at least three years immediately preceding the presentation of the petition; or

(c) is undergoing a sentence of imprisonment for seven years or more for an offence as defined in the Indian Penal Code (Act XLV of 1860): or

(d) has since the solemnization of the marriage treated the petitioner with cruelty; or

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(e) has been incurably of unsound mind for a continuous period of not less than three years immediately proceeding the presentation of the petition; or

(f) has for a period of not less than three years immediately preceding the presentation of the petition been suffering from venereal disease in a communicable form, the disease not having been contracted from the petitioner; or

(g) has been suffering from leprosy, the disease not having been contracted from the petitioner; or

(h) has not been heard of as being alive for a period of seven years or more by those persons who would naturally have heard of the respondent if the respondent had been alive; or

and by the wife on the ground that her husband has, since the solemnization of the marriage, been guilty of rape, sodomy or bestiality.



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on 02 March 2008



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