**AGREEMENT FOR MAINTENANCE**

**BETWEEN HUSBAND AND WIFE**

THIS DEED OF SEPARATION made on the \_\_\_\_\_\_\_\_\_ day of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

BETWEEN

Sh.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

S/o\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

R/o \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (hereinafter called "the husband') which expression shall unless the context so requires including his successors, executors and administrators of the one part

AND

Smt.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

W/o\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

R/o \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (hereinafter called "the wife") which expression shall unless the context so requires including her successors, executors and administrators of the other part.

WHEREAS owing to mutual differences between husband and wife they have consented mutually for living separately from each other and entering into arrangement for sustenance per terms hereinafter stated.

NOW BY THIS DEED THE PARTIES HERETO MUTUALLY AGREE AS UNDER:

1. The husband shall be paying allowance of Rs.\_\_\_\_\_\_\_\_\_\_\_\_\_ to the wife with in her life term for her maintenance and sustenance for their children on the 1st day of each month in advance. However, this enactment will be available on her living chaste life and obeying conditions/terms stated herein.

2. The wife shall always after it be sole custodian/control of children with their education and bringing up in their minority or till they are married.

3. After date of this agreement, the wife shall pay and discharge all debts/liabilities as incurred by her. The wife undertakes in keeping the husband, compensated there from. if husband has to pay any such debts/liabilities he will be free in deducting same from maintenance allowance of wife.

4. The wife shall not start any proceedings in ending of marriage against her husband excepting adultery on the husband’s part and after date of this agreement. If husband does not pay the monthly allowance as aforesaid, the wife would be free to either enforcing terms of this agreement or taking any proper legal step

5. This deed shall be cancelled on expiry of the wife (or, expiry of either parties hereto).

IN WITNESS WHERE OF, the parties have executed this Agreement as of the date first above written.

Husband: Wife: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Witnesses:

1.

2.

**Format of Divorce Petition**

Mutual Consent Divorce Petition format under
Section 13B of Hindu Marriage Act, 1955. This Petition can be filed if husband and wife are agree to get Divorce.

Format of Divorce Petition under Section 13B of Hindu Marriage Act 1955 to get divorce.

MUTUAL CONSENT DIVORCE PETITION FORMAT

UNDER SECTION 13(1)(B) OF HINDU MARRIAGE ACT 1955

DRAFT FORMAT OF THE MUTUAL DIVORCE PETITION
BEFORE THE PRINCIPAL JUDGE, FAMILY COURT AT \_\_\_\_\_\_\_\_\_\_\_
HMA PETITION No.\_\_\_\_\_\_\_ OF\_\_\_ 20\_\_

IN THE MATTER OF:

(Name and address of the Husband)         : Petitioner No.1

(AND)

(Name and address of the wife)             : Petitioner No.2

PETITION UNDER SECTION 13 (1) (i-b) OF THE HINDU MARRIAGE ACT  FOR DISSOLUTION OF MARRIAGE BY MUTUAL CONSENT

MOST RESPECTFULLY SHOWETH:-

1. That The marriage between the parties was solemnized on \_\_\_\_\_\_at \_\_\_\_\_\_\_, by Hindu rites and ceremonies. The said marriage was consummated thereafter and the parties co-habited as husband and wife at the matrimonial home i.e. \_\_\_\_\_\_\_\_\_\_\_\_\_\_. The particulars showing the details of the parties to the present petition is given hereunder:-

HUSBAND
BEFORE MARRIAGE.
Age Address Status

AFTER MARRIAGE
Age Address Status

WIFE
BEFORE MARRIAGE
Age Address Status

AFTER MARRIAGE
Age Address Status

2. That there is one boy name\_\_\_\_ Date of Birth \_\_\_\_ age\_\_\_\_ out of the wedlock of the parties. The parties mutually agreed to give custody of the child to Husband / Wife.

3. That the parties could not adjust with each other due to temperamental differences and their marriage has broken down irretrievably and it is now not possible between the parties live as husband and wife any more.

4. That all the efforts of reconciliation between the parties to continue the present marriage has failed and there are no further chances of reconciliation between the parties any more.

5. That the parties are residing separately since \_\_\_\_\_\_\_\_\_\_\_\_\_ and there is no cohabitation between the parties since then.

6. That the parties have now decided to dissolve the marriage legally through a decree of divorce on mutual consent. The parties have settled all their claims, counter claims etc. and the respondent wife has received her entire Stridhan, Permanent alimony, maintenance etc. and there is no due with regard to any other claim between the parties now.

7. That the party has decided to withdraw all the complaints, counter complaints against each other.

8. That the present petition is not being filed in collusion.

9. That there are no other divorce proceedings pending before any other court.

10. That the matrimonial home of the parties was at \_\_\_\_\_\_\_\_\_\_\_\_hence this court has the jurisdiction to grant the decree of divorce as prayed for.

11. That there are no legal impediments in grant of the decree of divorce to the parties on the basis of mutual consent.

PRAYER

It is most respectfully prayed that the court may accept the present petition and grant a decree of divorce between the parties thereby, dissolving the marriage between the parties.

Any other order which the court may deem fit and proper in the facts and circumstances of the present case be also passed in favour of the petitioners.

Petition for Restitution of Conjugal Rights format, to file Petition, when the Petitioner is deserted by his partner. Conjugal Rights Restitution Petition can be filed before the District Judge or other Judge who has Jurisdiction to deal with the matter.

Format of Petition for Restitution of Conjugal Rights can be filed by the affected person who want to restitute his marriage life. This Petition can be filed when one of the spouse desert the other and stay in another house willfully or due to the coercion by another person.

Section 9 of Hindu Marriage Act, 1955 (HMA) provides for restitution of conjugal rights (RCR). It states that if one of the spouses abandons the other without any reasonable cause, the aggrieved party has a legal right to file a petition in the matrimonial court for restitution of conjugal rights. Restitution means that something has broken is being restored to its original position; thereby, in the context of marriage, it implies that one of the spouses has withdrawn from the society of the other spouse, i.e. refused to cohabit with the other spouse, under this provision, the aggrieved spouse can file a a Petition of RCR. Format of Petition for Restitution of Conjugal Rights is given below:

IN THE COURT OF THE \_\_\_\_\_\_\_\_\_\_\_\_\_ JUDGE AT \_\_\_\_\_\_\_\_\_

MATRIMONIAL CASE NO. \_\_\_\_\_\_\_\_\_\_ OF 20\_\_

IN THE MATTER OF:

Mr. ALU\_\_\_\_\_\_\_\_\_                                                                PETITIONER

VERSUS

MRS. GOBI \_\_\_\_\_\_\_\_\_\_                                                       RESPONDENT

PETITION UNDER SECTION 9 OF HINDU MARRIAGE ACT 1955 FOR RESTITUTION OF CONJUGAL RIGHTS

MOST RESPECTFULLY SHOWETH:

The Petitioner, above named states as under:

1. That marriage of the Petitioner and the Respondent was solemnized on \_\_\_\_\_\_\_\_\_\_ at \_\_\_\_\_\_\_\_\_\_\_\_ according to Hindu rites and ceremonies. The marriage was registered with the Registrar of marriages at \_\_\_\_\_\_\_\_\_\_\_. Certified copy of the extract from the concerned register is attached herewith as Annexure P1.

2. That the status and place of residence of the Parties to the marriage before the marriage and at the time of filing this petition is given as under:

i) Place of residence before the Marriage

ii) Place of residence at the time of filing the Petition

3. That from this marriage, the couple has been blessed with one boy aged 4 years and one girl child aged 2 years.

4. That the Petitioner and his wife were living together happily at our house. That on \_\_\_\_\_\_\_ the respondent went to her fathers house at \_\_\_\_\_\_\_. She gave word to return within 15 days, but she did not abide by her word and has not returned so far. The Respondent without any reasonable excuse, living in the house of her father.

5. That the petitioner went to his father-in-laws house at\_\_\_\_\_\_\_ to bring the respondent, a number of times, but on one pretext or the other, she declined to come along with the petitioner to his house.

6. That lastly the petitioner went to the house of the respondents father at \_\_\_\_\_\_\_ on \_\_\_\_\_\_\_ and asked the respondent to return with him, but she refused to come.

7. That the respondent deserted the petitioner or/and has withdrawn from his company without any reasonable or lawful excuse. Hence the necessity for the petition arose.

8. The Petition is not being presented in collusion with the Respondent.

9. The Petition is being presented without any unnecessary or improper delay on the part of the Petitioner.

10. There is no other legal ground as to why the decree of restitution of conjugal rights be not granted in favour of the Petitioner.

11. That no litigation has taken place between the parties to the Petition earlier.

12. This Hon'ble Court has jurisdiction to entertain and try this Petition as the marriage was solemnized at \_\_\_\_\_\_\_\_\_\_\_\_ the parties last resided together at \_\_\_\_\_\_\_\_\_\_\_\_\_ and even presently the respondent is residing within the Jurisdiction of this Hon'ble Court.

13. That the cause of action accrued to the petitioner against the respondent, within the jurisdiction of this Court, on \_\_\_\_\_\_\_ when the respondent left for her fathers house at \_\_\_\_\_\_\_ and it continues to accrue from day to day till the respondent comes back to the home of the petitioner and resumes his company..

14. In the facts and circumstances of case mentioned herein above this Hon'ble Court may graciously be pleased to:

P R A Y E R

That the Petitioner, therefore, prays:

a) for grant of decree for restitution of conjugal rights in favour of Petition and against the respondent; and

b) Any other relief or reliefs which the court may deem proper under the circumstances be also awarded to the petitioner.

PETITIONER

THROUGH

\_\_\_\_\_\_\_\_\_\_\_\_\_\_., Advocate

Place :

Date :

VERIFICATION

I, the above named petitioner, do hereby verify that the contents of this petition in Para No \_\_\_\_\_\_ to Para No \_\_\_\_\_\_\_\_\_\_ are true to my personal knowledge and those in Para No \_\_\_\_\_ to Para No \_\_\_\_\_\_\_\_ are believed by me to be true.

Signed and verified this \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_ 20 \_\_\_\_\_\_\_ at \_\_\_\_\_\_\_

PETITIONER

Petition for Restitution of Conjugal Rights format, to file Petition, when the Petitioner is deserted by his partner. Conjugal Rights Restitution Petition can be filed before the District Judge or other Judge who has Jurisdiction to deal with the matter.

Format of Petition for Restitution of Conjugal Rights can be filed by the affected person who want to restitute his marriage life. This Petition can be filed when one of the spouse desert the other and stay in another house willfully or due to the coercion by another person.

Section 9 of Hindu Marriage Act, 1955 (HMA) provides for restitution of conjugal rights (RCR). It states that if one of the spouses abandons the other without any reasonable cause, the aggrieved party has a legal right to file a petition in the matrimonial court for restitution of conjugal rights. Restitution means that something has broken is being restored to its original position; thereby, in the context of marriage, it implies that one of the spouses has withdrawn from the society of the other spouse, i.e. refused to cohabit with the other spouse, under this provision, the aggrieved spouse can file a a Petition of RCR. Format of Petition for Restitution of Conjugal Rights is given below:

IN THE COURT OF THE \_\_\_\_\_\_\_\_\_\_\_\_\_ JUDGE AT \_\_\_\_\_\_\_\_\_

MATRIMONIAL CASE NO. \_\_\_\_\_\_\_\_\_\_ OF 20\_\_

IN THE MATTER OF:

Mr. ALU\_\_\_\_\_\_\_\_\_                                                                PETITIONER

VERSUS

MRS. GOBI \_\_\_\_\_\_\_\_\_\_                                                       RESPONDENT

PETITION UNDER SECTION 9 OF HINDU MARRIAGE ACT 1955 FOR RESTITUTION OF CONJUGAL RIGHTS

MOST RESPECTFULLY SHOWETH:

The Petitioner, above named states as under:

1. That marriage of the Petitioner and the Respondent was solemnized on \_\_\_\_\_\_\_\_\_\_ at \_\_\_\_\_\_\_\_\_\_\_\_ according to Hindu rites and ceremonies. The marriage was registered with the Registrar of marriages at \_\_\_\_\_\_\_\_\_\_\_. Certified copy of the extract from the concerned register is attached herewith as Annexure P1.

2. That the status and place of residence of the Parties to the marriage before the marriage and at the time of filing this petition is given as under:

i) Place of residence before the Marriage

ii) Place of residence at the time of filing the Petition

3. That from this marriage, the couple has been blessed with one boy aged 4 years and one girl child aged 2 years.

4. That the Petitioner and his wife were living together happily at our house. That on \_\_\_\_\_\_\_ the respondent went to her fathers house at \_\_\_\_\_\_\_. She gave word to return within 15 days, but she did not abide by her word and has not returned so far. The Respondent without any reasonable excuse, living in the house of her father.

5. That the petitioner went to his father-in-laws house at\_\_\_\_\_\_\_ to bring the respondent, a number of times, but on one pretext or the other, she declined to come along with the petitioner to his house.

6. That lastly the petitioner went to the house of the respondents father at \_\_\_\_\_\_\_ on \_\_\_\_\_\_\_ and asked the respondent to return with him, but she refused to come.

7. That the respondent deserted the petitioner or/and has withdrawn from his company without any reasonable or lawful excuse. Hence the necessity for the petition arose.

8. The Petition is not being presented in collusion with the Respondent.

9. The Petition is being presented without any unnecessary or improper delay on the part of the Petitioner.

10. There is no other legal ground as to why the decree of restitution of conjugal rights be not granted in favour of the Petitioner.

11. That no litigation has taken place between the parties to the Petition earlier.

12. This Hon'ble Court has jurisdiction to entertain and try this Petition as the marriage was solemnized at \_\_\_\_\_\_\_\_\_\_\_\_ the parties last resided together at \_\_\_\_\_\_\_\_\_\_\_\_\_ and even presently the respondent is residing within the Jurisdiction of this Hon'ble Court.

13. That the cause of action accrued to the petitioner against the respondent, within the jurisdiction of this Court, on \_\_\_\_\_\_\_ when the respondent left for her fathers house at \_\_\_\_\_\_\_ and it continues to accrue from day to day till the respondent comes back to the home of the petitioner and resumes his company..

14. In the facts and circumstances of case mentioned herein above this Hon'ble Court may graciously be pleased to:

P R A Y E R

That the Petitioner, therefore, prays:

a) for grant of decree for restitution of conjugal rights in favour of Petition and against the respondent; and

b) Any other relief or reliefs which the court may deem proper under the circumstances be also awarded to the petitioner.

PETITIONER

THROUGH

\_\_\_\_\_\_\_\_\_\_\_\_\_\_., Advocate

Place :

Date :

VERIFICATION

I, the above named petitioner, do hereby verify that the contents of this petition in Para No \_\_\_\_\_\_ to Para No \_\_\_\_\_\_\_\_\_\_ are true to my personal knowledge and those in Para No \_\_\_\_\_ to Para No \_\_\_\_\_\_\_\_ are believed by me to be true.

Signed and verified this \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_ 20 \_\_\_\_\_\_\_ at \_\_\_\_\_\_\_

PETITIONER

**Stepwise Process to Get Divorce in India**

A particular framework is designed to be followed for every legal process. And specifically, when it comes to the dissolution of marriage, a lot of obligations are to be met with. The contested divorce procedure in India differs from the uncontested one to a greater extent. The proceeding will be less hectic and financially draining in case of divorce with mutual consent in comparison to the contested divorce. Without beating around the bush anymore, let us start with the stepwise divorce procedure.

**Filing the Divorce Petition:-**

The foremost step is to initiate the process with a divorce petition. Things to consider while filing the divorce petition are:

**Mutual Consent Divorce:**

i. The application for mutual consented divorce will be filed Section 13B of the Hindu Marriage Act, 1955, or Section 32B of the Parsis Marriage or Divorce Act, 1936, Section 10A of the Indian Divorce Act, 1869, or Section 28 of the Special Marriage Act, 1954, depending upon the status of the parties.
ii. While filing a petition for mutual consent divorce, the couple must be separated for at least 1 year and in case of the Indian Divorce Act, the period of separation is 2 years.
iii. A settlement agreement outlining maintenance, property distribution, stridhan, child custody, etc. should be attached to the petition.
iv. After the first statement is recorded, the court gives a time of six months known as the “cooling-off” period. This period can be waived subject to certain conditions.
v. The second statement should be recorded within 18 months of the date of the filing of the petition.

**Contested Divorce:**

i. When only one party is willing to separate, he/she can initiate the process in the family court by drafting a divorce petition.
ii. A contested divorce can be filed under Section 13 of the Hindu Marriage Act, 1955 or Section 2 of the Dissolution of Muslim Marriage Act, 1939 or Section 10 of the Indian Divorce Act, 1869 or Section 32 of the Parsis Marriage and Divorce Act, 1936.
iii. The petition must be properly drafted with legal grounds mentioned and documents attached.
iv. There should be no condonation of the matrimonial offence.

**Documents Required to File a Divorce Petition in India**

There are certain necessary documents which one should be prepared with.

**1. In case of mutual consent divorce**
i. Age, identity proof and address of the petitioners (both husband and wife in case of divorce with mutual consent).
ii. 2 passport size photographs.
iii. Proof of marriage like a Marriage certificate or marriage photographs.
iv. Settlement agreement
v. Proof that the couple has been separated for the time stipulated in the concerned Acts.
vi. Vakalatnama and other affidavits are also submitted along with the petition.

**2. In case of contested divorce**
i. Identity documents of the petitioner;
ii. Proof of marriage like a Marriage certificate or marriage photographs.
iii. Documents, if any, to substantiate the ground of divorce taken by the petitioner.
iv. Income tax statements (both husband and wife in case of divorce with mutual consent).
v. Profession and remuneration details of the petitioner (both husband and wife in case of divorce with mutual consent).
vi. Property and assets owned by the petitioner (both husband and wife in case of divorce with mutual consent).
vii. Vakalatnama and other affidavits are also submitted along with the petition.

**Service of Summon**

During a contested divorce, a summon is sent to the other spouse to inform him/her regarding the divorce petition. The respondent on the receipt of the summon can appear either in person or through counsel on the date set out in the summon. The summon delivered to the other party is available with the date on which he/she has to appear in court in response to the divorce petition. In case, the other spouse doesn’t appear in court on the date of hearing, the petitioner is going to enjoy the opportunity of ex-parte. As per this ex-parte hearing opportunity, the divorce decree will be granted to the petitioner by putting the process to end.

**Response**

The respondent after appearance gets time to file a reply to the petition of divorce. The respondent in reply has to counter the claims leveled by the petitioner and tell his/her side of the story to the court.

**Replication**

After the respondent files the reply, the petitioner can file a replication which in layman terms is a reply to the reply filed by the respondent. In the replication, the petitioner counters all the claims leveled by the respondent.

**Trial**

All the accusations and evidence will be addressed in the court during married couples. During the trial, both the parties will present their points and evidence with witnesses with the help of their respective divorce lawyers. Thorough evidencing and cross-examination are done to explore every facet of the case.

**Interim Order(s)**

An interim order is an additional step in the divorce process which is mostly asked for. The dissolution of marriage in India is not an easy process that one can expect to end immediately. This may end in a 6 month period or can take 3-4 years or even more. So in between that period, issues like physical custody of the child or financial crisis may occur for which interim orders are generated by the court for the applicant or the respondent.

**Majorly, an application for interim orders is filed for:**

i. Maintenance or financial support till the time of final orders.
ii. Custody of the child until the final order.

**Argument**

The most crucial step for a divorce lawyer is the argument stage. The lawyers of both parties are going to argue in the court after evidence to prove their client’s point. Various disputes (child custody, alimony, visitation rights, distribution of assets, property) will also be addressed at this stage.

**Final Orders**

After going through all these steps and convinced with the arguments and evidence, the court will grant the divorce decree. In case, any of the parties is not satisfied with the court’s decision, it can be challenged in the higher court.

**AFFIDAVIT: UNDER SECTION 2 OF THE DISSOLUTION OF MUSLIM MARRIAGE ACT, 1939**

**BEFORE THE HON'BLE DISTRICT COURT,**

Affidavit in Divorce O.P. No of 20

Petitioner:

Vs.

Respondent:

AFFIDAVIT

I, ,W/o , D/o ,

aged years, now residing in , do

hereby solemnly affirm and state as follows:—

1. I say that, I am the deponent abovenamed and I am well acquainted with
the facts and circumstances of the case. I am competent to swear to this
affidavit.

2. I say that, I and my husband, namely the respondent herein are both

Muslims and were married under the Muslim Law at ,

on ,20

3. I say that, the respondent was prosecuted and convicted and sentenced
to imprisonment for a period of seven years under section 376 of the

Indian Penal Code, 1860 in Sessions Case No by the District

and Sessions Court. Further, the appeal preferred by the respondent,

Criminal Appeal No , against the aforesaid conviction before the

Hon'ble High Court was dismissed. Since the respondent did not approach the Hon'ble Supreme Court against the said order of the Hon'ble High Court, the sentence mentioned above has become final.

I say that, in view of the aforesaid fact, I am entitled to a decree for dissolution of my marriage with the respondent.

It is therefore, in the interest of justice, equity and conscience that this Hon'ble Court may be pleased to issue appropriate orders for the dissolution of marriage.

Sd./ Deponent.

Verification

Verified at on this the day of ,20 , that the

contents of the above affidavit are true and correct to the best of my knowledge, belief and information and nothing material has been concealed therefrom.

Sd./ Deponent.

Solemnly affirmed and signed before me by the deponent, who is personally
known to me, on this the day of ,20

Sd./

Counsel for the deponent.

Note: Affidavit to be attested by the appropriate authority prescribed under law. Prayer may be avoided in affidavits and only facts may be given as far as possible and practical.

# Affidavit under Section 2 of Dissolution of Muslim marriage Act.

## Format of Affidavit to be filed with application for Dissolution of Muslim Marriage

Application for Dissolution of Muslim Marriage under Section 2 of Muslim Marriage Act should to be supported with affidavit from the Petitioner. The Grounds of Divorce should be clearly mentioned in the Application. Grounds for seeking divorce under Muslim Marriage Act is given below after the affidavit format.

Sample Format of Affidavit for Dissolution of Marriage under Muslim Marriage Act is given below:

**BEFORE THE HON'BLE \_\_\_\_\_\_\_\_\_\_\_ COURT AT \_\_\_\_\_\_\_
O.P. No \_\_ of 20\_\_**

Mrs. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_                                **PETITIONER**

**VERSUS**

MR. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_                                **RESPONDENT**

**AFFIDAVIT**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Wife of \_\_\_\_\_\_\_\_\_\_\_\_\_, Daughter of \_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ , aged\_\_\_\_\_\_ years, resident of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ , do hereby solemnly affirm and state as follows:

1. I say that, I am the deponent above named and I am well acquainted with the facts and circumstances of the case. I am competent to swear to this affidavit.

2. I say that, I and my husband, namely the respondent herein are both Muslims and were married under the Muslim Law at \_\_\_\_\_\_\_\_\_, on\_\_\_\_\_\_20\_\_.

3. I say that, the respondent gone abroad for a job in the year\_\_\_\_\_\_\_\_. There was communication from him for first 6 months. Thereafter I have not received any communication. We have tried to trace him from \_\_\_\_\_\_\_\_\_\_ country, but not information is received yet.

4. That the that whereabouts of the Respondent is not been known for a period of five years.

5. I say that, in view of the aforesaid fact, I am entitled to a decree for dissolution of my marriage with the respondent.

6. It is therefore, in the interest of justice, equity and conscience that this Hon'ble Court may be pleased to issue appropriate orders for the dissolution of marriage.

**DEPONENT**

**VERIFICATION**
Verified at on this the \_\_\_\_\_ day of ,20\_\_ that the contents of the above affidavit are true and correct to the best of my knowledge, belief and information and nothing material has been concealed therefrom.

**DEPONENT**

Solemnly affirmed and signed before me by the deponent, who is personally known to me, on this the day of \_\_\_\_,20\_\_>

**COUNSEL FOR THE DEPONENT**

## Section 2 in the Dissolution of Muslim Marriages Act, 1939

**2. Grounds for decree for dissolution of marriage**

A woman married under Muslim law shall be entitled to obtain a decree for the dissolution of her marriage on any one or more of the following grounds, namely:

(i) that the whereabouts of the husband have not been known for a period of four years;

(ii) that the husband has neglected or has failed to provide for her maintenance for a period of two years;

(iii) that the husband has been sentenced to imprisonment for a period of seven years or upwards;

(iv) that the husband has failed to perform, without reasonable cause, his marital obligations for a period of three years;

(v) that the husband was impotent at the time of the marriage and continues to be so;

(vi) that the husband has been insane for a period of two years or is suffering from leprosy or virulent venereal disease;

(vii) that she, having been given in marriage by her father or other guardian before she attained the age of fifteen years, repudiated the marriage before attaining the age of eighteen years.

Provided that the marriage has not been consummated

(viii) that the husband treats her with cruelty, that is to say

(a) habitually assaults her or makes her life miserable by cruelty of conduct even if such conduct does not amount to physical ill-treatment, or

(b) associates with women of evil repute or leads an infamous life, or

(c) attempts to force her to lead an immoral life, or

(d) disposes of her property or prevents her exercising her legal rights over it, or

(e) obstructs her in the observance of her religious profession or practice, or

(f) if he has more wives than one, does not treat her equitably in accordance with the injunctions of the Quran;

(ix) on any other ground which is recognised as valid for the dissolution of marriages under Muslim law:

Provided that-
(a) no decree shall be passed on ground (iii) until the sentence has become final

(b) a decree passed on ground (i) shall not take effect for a period of six months from the date of such decree, and if the husband appears either in person or through an authorised agent within that period and satisfies the Court that he is prepared to perform his conjugal duties, the Court shall set aside the said decree; and

(c) before passing a decree on ground (v) the Court shall, on application by the husband, make an order requiring the husband to satisfy the Court within a period of one year from the date of such order that he has ceased to be impotent, and if the husband so satisfies the Court within such period, no decree shall be passed on the said ground.

# THE MUSLIM WOMEN (PROTECTION OF RIGHTS ON MARRIAGE) ACT, 2019

**NO. 20 OF 2019 [31st July, 2019.]**

An Act to protect the rights of married Muslim women and to prohibit divorce by pronouncing talaq by their husbands and to provide for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:-

**CHAPTER I PRELIMINARY**

## Section 1 Short title, extent and commencement

1. (1) This Act may be called the Muslim Women (Protection of Rights on Marriage) Act, 2019. (2) It shall extend to the whole of India except the State of Jammu and Kashmir. (3) It shall be deemed to have come into force on the 19th day of September, 2018

## Section 2 Definitions

2. In this Act, unless the context otherwise requires,-

(a) "electronic form" shall have the same meaning as assigned to it in clause (r) of sub-section (1) of section 2 of the Information Technology Act, 2000;

(b) "Magistrate" means a Judicial Magistrate of the first class exercising jurisdiction under the Code of Criminal Procedure, 1973, in the area where the married Muslim woman resides; and

(c) "talaq" means talaq-e-biddat or any other similar form of talaq having the effect of instantaneous and irrevocable divorce pronounced by a Muslim husband.

**CHAPTER II DECLARATION OF TALAQ TO BE VOID AND ILLEGAL**

## Section 3. Talaq to be void and illegal

Any pronouncement of talaq by a Muslim husband upon his wife, by words, either spoken or written or in electronic form or in any other manner whatsoever, shall be void and illegal.

## Section 4. Punishment for pronouncing talaq

Any Muslim husband who pronounces talaq referred to in section 3 upon his wife shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

**CHAPTER III PROTECTION OF RIGHTS OF MARRIED MUSLIM WOMEN**

## Section 5. Subsistence allowance

Without prejudice to the generality of the provisions contained in any other law for the time being in force, a married Muslim woman upon whom talaq is pronounced shall be entitled to receive from her husband such amount of subsistence allowance, for her and dependent children, as may be determined by the Magistrate.

## Section 6. Custody of minor children

Notwithstanding anything contained in any other law for the time being in force, a married Muslim woman shall be entitled to custody of her minor children in the event of pronouncement of talaq by her husband, in such manner as may be determined by the Magistrate.

## Section 7. Offence to be cognizable, compoundable, etc

7. Notwithstanding anything contained in the Code of Criminal Procedure, 1973,- (a) an offence punishable under this Act shall be cognizable, if information relating to the commission of the offence is given to an officer in charge of a police station by the married Muslim woman upon whom talaq is pronounced or any person related to her by blood or marriage; (b) an offence punishable under this Act shall be compoundable, at the instance of the married Muslim woman upon whom talaq is pronounced with the permission of the Magistrate, on such terms and conditions as he may determine; (c) no person accused of an offence punishable under this Act shall be released on bail unless the Magistrate, on an application filed by the accused and after hearing the married Muslim woman upon whom talaq is pronounced, is satisfied that there are reasonable grounds for granting bail to such person.

## Section 8. Repeal and savings

(1) The Muslim Women (Protection of Rights on Marriage) Second Ordinance, 2019 is hereby repealed. (2) Notwithstanding such repeal, anything done or any action taken under the Muslim Women (Protection of Rights on Marriage) Second Ordinance, 2019, shall be deemed to have been done or taken under the provisions of this Act.

**PETITION BY HUSBAND FOR ENDED MARRIAGE WITH DAMAGES AGAINST CO-RESPONDENT DUE ADULTERY IN INDIAN DIVORCE ACT.**

In the High Court of...............

To the Hon'ble Mr. Justice.................

(or to the Judge of...............)

AB ..................................................... Petitioner

 versus

CB .................................................... Respondent

XY..................................................... Co-respondent

The humble petition of AB of (full name and address)

SHEWBTH:

1. That parties per petition being domiciled in India/Christian by faith and religion.

2. That on the ............ day of..............................petitioner was legally married to CB, then CD, an un married women ......... years at ………......and the marriage is still existing.

3. That since his marriage, petitioner lived/cohabited with his said wife from time being at various places,.................................... and lastly at ..........................................approximately........................... and that petitioner with his wife had several children by said marriage, named .................................. as aged respectively ............................. and …………........ years, the related dates of their birth being ............ day of ............ and............ day of............

4. That during the.................. years preceding the day of.......................,XY constantly, some exceptions, residing in the house of petitioner at........................... afore stated and on various during the period, the dates are not to petitioner, the said CB in petitioner's said house committed adultery with the said XY.

5. That there was never nor is at present any connivance/cojlusion between petitioner and his wife for getting there marriage dissolved or for any other purpose.

6. That petitioner has not condoned adultery by the respondent.

Petitioner, hence prays that this (Hon'ble) Court might decree for dissolving of the said marriage and that the said XY do pay the sum of Rupees ............................. as compensation due to committed adultery with petitioner's wife, such damages as paid to petitioner, or otherwise paid/applied as to this (Hon'ble) Court deems fit.

Signed AB

**Verification**

I, AB, son of ................................................... aged ............... by occupation service

 residing at ……………………………………………………………………………………………………………………………......... do hereby solemnly affirm and say as follows.

I am the petitioner above-named and I know the facts and circumstances of the case.

The statements in paragraphs 1, 2, 3, 4, 5 and 6 of the petition are true to my knowledge and belief and that I have not suppressed any material fact.

I sign this verification this ......... day of ............... at ............the Court House at .............

Before me Notary

Signature

Advocate

**PETITION BY WIFE FOR JUDICIAL SEPARATION ON THE GROUNDS OF HER HUSBAND'S ADULTERY**

(See section 22)

In the High Court of...............

CB .......................................................................................... Petitioner

versus

AB .......................................................................................... Respondent

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

The humble petition of CB of No. the wife of AB residing at…………………………………..........

SHOWETH:

1. That on the............ day of............ your petitioner, then CD (maiden name) was legally married to respondent AB lived /cohabited at ............................ and …………………….............. and the said marriage is still subsisting.

2. That ever since the said marriage, your petitioner and the respondent Ali lived/cohabited at............ and they have the following issue living of their said marriage.(State the respective ages of the children).

3. That on various occasions between the month of.............................. and the month of………….......... the respondent AB as staying at................................... committed adultery with one EF who was then serving AB and petitioner at their said residence aforesaid against the wishes and despite of protest from your petitioner.

4. That petitioner has not condoned any acts of adultery by the respondent.

5. That there is no connivance or collusion between ………………………………........petitioner and the said AB relating to subject of present suit. petitioner hence prays that this (Hon'ble) Court might be pleased to pass a decree of a judicial separation of petitioner from her said husband due to his above stated act of adultery.

Signed

CB

**Verification**

I, CB wife of AB daughter of XY aged about ............ years residing at ......................................................... do hereby solemnly affirm and say as follows:

I am the petitioner above-named and I know and I have made myself acquainted with the facts and circumstances of this case.

The statements made in paragraphs 1 to 5 are true to my knowledge and belief.

I sign this verification on this ............... day of............... at the Court House at................

Before me Notary

Signature of CB

Signature of Advocate

**PETITION FOR ALIMONY PENDING THE SUIT**

In the District Court of..................

Case Title

**The humble petition of Mrs. Rita, the lawful wife of Mr. Shyam.**

SHWETH:

1. That on the…………….......... day of........................ the above suit was filed by petitioner against the respondent (brief the nature of relief asked for and the position of the suit).

2. That the said Mr. Shyam is in most circumstances for past some years due reason of his service (brief about designation etc.,) he alone receives the net annual income of Rs. ………............. from this service. The said service is permanent.

3. That over and above the said service, he has other resources and incomes, e.g., the house property at No..........................................which alone gives an income of Rs…………………......... per month and various shares/securities (state briefly particulars) all of same he acquired per right of petitioner as his wife or bought with money received through her, of the total value of Rs. .................................. .

4. That the said Mr. Shyam, have a right under the will of his father, subject to life interest of his mother therein, to property of value of Rs. ........................

Your petitioner, hence prays that this (Hon’ble) Court will order for payment of such sum/sums of money due to alimony, pending the suit, as this (Hon’ble) Court may deem fit.

**Verification**

I, Mrs. Rita, wife of Mr. Shyam, and daughter of ………aged about ............ years by occupation housewife residing at ......................................................................................... do hereby solemnly affirm and say as follows:

I am the petitioner above-named and I know and I have made myself acquainted with the facts and circumstances of this case.

The statements in paragraphs 1 to 4 of the petition hereinabove are true to my knowledge and belief.

I sign this verification on this……………………

Day of………………..at the court House at…………………...

Deponent

**PETITION FOR DECREE OF NULLITY OF MARRIAGE**

In the matter of nullity of marriage under s. 11 of the Hindu Marriage Act 1955.

AB .................................................................................. Petitioner

(Full name and address)

versus

CD …………………………………………………………..................... Respondent

(Full name and address)

The humble petition of AB

RESPECTFULLY SHOWETH:

1. That at all material times the parties to the petition were and are Hindu ruled by the Hindu Marriage Act 1955 (Act 25 of 1955).

2. That a pretended marriage was however on the ............ day of.................. celebrated at ....................... between the applicant then a unmarried women aged ............with the respondent then known as………….......... aged..................... declared as a bachelor under the purported Hindu rites and customs (an extract from the Marriage Register or an affidavit duly attested to be filed).

3. That the purported marriage was cheating practised by the respondent upon the petitioner and is void ab initio inasmuch as the respondent had already a married wife named ………………………......... then and this fact was suppressed from the petition and she is still now alive.

4. That since the said marriage with CD, the applicant lived and cohabited with CD at etc., without having any issue of such purported marriage until the ....................... day of........................

Or That the applicant and the said CD are within the restricted degrees of relationship, the applicant being the first cousin sister of the said CD.

Or

That the said CD was impotent at the time of such marriage and remained as such until institution of present proceeding (if this ground is alleged then omit the words "and cohabited" in para 4).

5. That the applicant bear right to get the sum of Rs........................... monthly from the said CD for her maintenance and support until she is married.

6. That there is no collusion between the applicant and the said CD in making this application.

7. That there were no prior proceedings relating the marriage in question by or on behalf of any party.

8. That this court has jurisdiction to entertain this application as the marriage was celebrated within the jurisdiction or the parties reside and live or last resided and lived within the jurisdiction.

The applicant therefore prays that the court may be pleased to declare that the said marriage between the applicant and CD is nullity and the said CD be ordered to pay to the applicant for her support and maintenance a sum of Rs. .................................. monthly or such other monthly sum as the court thinks fit as long as the applicant remains unmarried.

Verification

I, AB, daughter of XY and wife of CD aged about ............ years by occupation service residing at............ do hereby solemnly affirm and say as follows:

I am the petitioner above-named and I know and I have made myself acquainted with the facts and circumstances of this case.

The statements in paragraphs 1 to 8 are true to my knowledge and belief.

I sign this verification on this ............ day of............... at the Court House at...............

Signature of AB

Signature of Advocate

Before me

Notary

 **PETITION FOR JUDICIAL SEPARATION**

In the District Court of......................... at.......................

Case Name:

In the matter of S.10 of the Hindu Marriage Act 1955, and in the matter of:

Rita................................................................................ Petitioner

versus

Shyam..................................................................................Respondent

RESPECTFULLY SHWETH:

1. That at all material times and at present the parties to the proceedings were and are Hindu and so ruled by the Hindu Marriage Act 1955.

2. That on the ............... day of ................... the applicant was duly married to Shyam at........................ and the said marriage was solemnized according to Hindu rites. (An extract from the Marriage Registrar or an affidavit duly attested to be filed).

3. That the following are the issues of the said marriage (name, date of birth, age and sex).

4. That ever since the said marriage and until the ............ day of ........................ the applicant and the said Shyam cohabited and lived as husband and wife at. ............................ when he withdrew himself from the society of applicant without any probable or reasonable cause and thereby deserted her to all purposes and intents.

5. That from and soon after the marriage the said Shyam habitually and with very few exceptions conducted himself towards the applicant with severe cruelty and harshness by abusing her in most filthy language (state particulars of cruelty).

6. That applicant has not in any way been party to or connived at or condoned any of the said acts of Shyam.

7. That the said Shyam also maliciously, falsely charged the applicant as having committed adultery, abused the applicant in several manners and treated the applicant with such cruelty as cause a reasonable fear in the mind of the applicant that it will be most harmful /injurious for the petitioner to live further with the said Shyam.

8. That there were no prior proceedings between the parties and there is no collusion between the applicant and Shyam relating to the subject-matter of present petition.

9. That this court has jurisdiction to entertain this application as the marriage was celebrated at (the parties reside or last resided within the jurisdiction of this court).

The applicant therefore prays for a decree for judicial separation between the applicant and the said Shyam.

Petitioner’s Signature.

**Verification**

I, Rita, daughter of …., and wife of Shyam aged about ............ years by occupation housewife residing at............ do hereby solemnly affirm and say as follows:

I am the petitioner above-named and I know and I have made my acquainted with the facts and circumstances of this case.

The statements in paragraphs 1 to 9 are true to my knowledge and belief.

I sign this verification on this ............ day of............... at the Court House at...............

Petitioner’s Signature.

**PETITION OF DIVORCE BY MUTUAL CONSENT**

In the District Court at ……..

Suit No. ............... of 20….

Case Name:

Petition for a decree for dissolving marriage by mutual consent under section 13B of

the Hindu Marriage Act, 1955.

The humble petition of the said ...................................

RESPECTFULLY SHWETH:

1. That the parties to this present petition are both by religion and faith Hindus and they were married per Hindu rites/customs at............................... on ...................... and the said marriage is still existing. They are of age above …………. years.

2. The parties ever since the marriage did not pull on together being of different tastes habits,, ideas, and bearing and so being completely different nature and temperament and could never adjust themselves even for some days and so had no love nor heart for each other and there are not going to reconcile between them in future.

3. That the parties last lived/cohabited at ......................... within the jurisdiction of this court when petitioner .................................... of own and out of free will/accord broke the matrimonial home and withdrew herself from the company of said ............ with all her personal belongings and since then she has been residing and living at her father's house and is undesired any with any wish for uniting with her husband.

4. That except as hereunder stated there were no other proceedings between parties.

5. That the above petition is bona fide and not presented in collusion between the parties.

6. That there is every legal grounds in granting the relief.

Your petitioners hence pray for a Decree of dissolution of marriage by mutual consent under section 13B of the Hindu Marriage Act 1955 and also and other Orders be made as to this Learned Court may deem proper and fit. And your petitioners as in duty bound shall ever pray,

**Verification**

I, ………………… son of............... aged about............ years residing at......... do hereby solemnly affirm and say as follows:

I am the petitioner No. 1 above-named and I know and I have made myself acquainted with the facts and circumstances of this case.

The statements in paragraphs 1 to 6 are true to my knowledge and belief.

I sign this verification on this ............ day of............... at the Court House at ........................

Signature of ………………..

Verification

I, …………… wife of …………. daughter of ……, aged about............ years by occupation service residing at......... do hereby solemnly affirm and say as follows:

I am the petitioner No. 2 above-named. I know and I have made myself acquainted with the facts and circumstances of this case.

The statements in paragraphs 1 to 6 of the petition hereinabove are true to my knowledge and belief.

I sign this verification on this ............ day of............... at the Court House at................

Signature ……………..

**PETITION OF DIVORCE**

In the District Court of............... at...............

In the matter of S.13, of the Hindu Marriage Act 1955

In the matter of

……………… .............................................. Petitioner

 versus

………………………………………. ................... Respondent

……………….............................................. Co-respondent

The humble petition of .............................................................................................................. (full name and address)

RESPECTFULLY ………………………..:

1. That at all material times the parties to proceedings were and are Hindus ruled by the Hindu Marriage Act 1955.

2. That on the ............ day of............ petitioner was duly married to Shyam at etc., ............ and the said marriage was solemnized according to Hindu customs and rites. (An extract from the Marriage Register or an affidavit duly attested to be filed.)

3. That ever since the said marriage petitioner and the said Shyam lived together as husband and wife at ............ until the ............ day of ............ (state reasons of separation).

4.Name…………………………….

 Address…………………………………

 Date of birth………………………

Age……………………….

sex ……………

5. That on various occasions between .................................. and .................................... the respondent committed adultery with ..................................... at............................... against the wish of your petitioner and in spite of her protests.

6. That your petitioner has come to know of the same on ............ and since then she has not in any manner been accessory to or connived at or condoned such adultery.

7. (When the applicant is the wife.) That the said Shyam had married on the ......... day of......... Sm................................................. and she is now living at...........................................

OR  That the said Shyam has, since the solemnization of the marriage, been guilty of rape (or sodomy or bestiality) on ............................................................

8. That there is no collusion /connivance between the parties with concerning the subject-matter of the present petition.

9. That no prior proceedings existing between the parties relating to their marriage.

10. The marriage was celebrated at................................................ or the parties last lived and resided at………........... within the jurisdiction of this Court.
Your petitioner therefore prays that the court might be pleased to pass a decree dissolving the marriage of petitioner with Shyam.

Signed Rita (Petitioner)

**Verification**

I, Rita, wife of ……………………………………………., D/O…………………………………………aged ............ years by occupation housewife residing at............................................................................................................... do hereby solemnly affirm and say as follows:

I am the petitioner ……………. named and I know and I have made myself acquainted with the facts and circumstances of this case.

The statements in paragraphs 1 to 10 are true to my knowledge and

belief.

I sign this verification on this ............ day of............... at the Court

House at...............

Signature of Petitioner

|  |
| --- |
| PETITION OF WIFE FOR DECREE OFNULLITY OF MARRIAGE(See sections 18 and 19)In the High Court of..................………………………………….. ............................................................. Petitioner versus …………………………………………………………………………........................ Respondent To the Hon'ble Justice ………………………............ or to the Judge of........................................... The humble petition of ……………………………………………. of  Name…………………………………………………………………………….. Occupation………………………………………………..………………….. Address ……………………………………………………….…………………SHWETH: 1. That the parties of all material times per these proceedings were at present Christian by faith/religion. 2. That on the.................. day of….............. your petitioner, then a spinster, aged about...........years went through an alleged marriage with the respondent (at someplace in India, state the place) and since that date known as factually married, though not per law, to……………….., then a bachelor of about 30 years of age. 3. That since that marriage on the ............ day of............... and until the ............ day of............ petitioner and the respondent cohabited and lived to together at various places such as ............... and lastly at............................... . 4. That said …………..has never sexually celebrated the said pretended marriage by sexual inter course. 5. That at the time of the celebration of your petitioner's said alleged marriage, the said …………… was and still his impotency/malformation, legally incompetent to enter into the contract of marriage. (State other reason if applicable, e.g., prohibited degree, lunacy, idiocy, etc.) 6. That there is no connivance/collusion between the parties with respect to the subject of these proceedings. Your petitioner hence prays that this (Hon’ble) Court might be pleased to declare the said marriage as nullity. Signed ……………….Verification.I, ……………………….. daughter of ……………............... aged ............... by occupation service residing at............................................................................ do hereby solemnly affirm and say as follows: I am the petitioner above-named and I know the facts and circumstances of this case. The statements made in paragraphs Nos. 1 to 6 of the petition are true to my best knowledge and belief and that I have not suppressed any material fact. I sign this verification on this .................. day of ............... at the Court House at............... …………………………. Before me Notary Signature Advocate  |

**SEPARATION DEED BETWEEN HUSBAND**

**AND WIFE WITH A TRUSTEE**

THIS DEED OF SEPARATION made on the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ day of\_\_\_\_ \_\_\_\_\_\_\_\_\_\_

BETWEEN

Sh.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

S/o\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

R/o \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (hereinafter called "the husband') which expression shall unless the context so needs including his successors, executors and administrators of the one part,

Smt.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

 W/o\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

R/o \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (hereinafter called "the wife") which expression shall unless the context so needs including her successors, executors and administrators of the second part.

AND

Sh.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

 S/o\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

 R/o\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (hereinafter called "the trustee") which expression shall unless the context so needs including his successors, executors and administrators of the third part.

WHEREAS due to mutual disagreements between the husband and wife they have consented to live separate from each other and to enter into the arrangement for sustenance per terms after it contained.

AND WHEREAS the husband bears by the wife two children under name "\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_" and "\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_" (names of the child).

NOW THIS DEED WITNESSES and the husband and wife hereby agree with each other and separately with the trustee, and the trustee so agrees with the husband as far as the covenants and enactments after it contained are or should be performed or obeyed by the wife or the trustee, the parties agree as follows:

1. The wife may always after it independently, separately not associated from the husband in all respects unchecked from the influence/command of the husband and without his governance.

2. Neither husband nor wife shall disturb the other nor intervene or sue for restitution of conjugal rights against the other.

3. The wife shall always after it be sole custodian/control of above stated children with their education and upbringing during their minority. If the husband shall at all convenient/reasonable times bear access to the children and the liberty to correspond with them.

4. The husband shall during the life of the wife and so long as she remains chaste pay to the trustee the fixed payment of Rs. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in trust for the wife as her separate estate. The said payments shall be paid in advance by equated monthly installments on the 1st day of each month and the wife shall have no power during her cover to anticipate the same.

i. The trustee shall wisely invest the principal money as paid to him and his free withdraw the money and invest it on any other investment of any type hereby empowered;

ii. The trustee shall be paying income of the investment with interest received by him from husband to wife during the joint life of the husband and wife and till the wife remains chaste without power of anticipation;

iii. After the expiry of husband or wife the trustee shall keep the said investments with principal money and interest received by him hereunder in trust for their survivor;

iv. The wife shall not be empowered to dispose of such reversionary interest by way of anticipant;

5. The wife shall sustain herself and while meeting expenditures of all kinds out of as laid for her by this deed.

6. The wife shall be free hence fourth to remove from the husband's house all her clothing, jewelers and personal effects including everything belongs to her as her separate property.

7. After the date of this agreement, the wife shall pay and discharge all debts and liabilities incurred by her. The wife undertakes to keep the husband, compensated there from. If husband has to pay any such debts/liabilities he will be free in deducting the same from the sustenance allowance of the wife.

8. If wife expires per life term of husband, her whole separate estate, movable/immovable, remaining indisposed of in her lifetime or per will, shall be bested to person/persons becoming entitled to it. If the husband expired in her lifetime. If the husband is alive, he shall allow her Will to be proved or administration to her estate to be taken out by such person or persons.

9. If parties reconciling and returning to cohabitation or their marriage shall be ended or shall be judicially separated due to misconduct of the wife as on after this date and in any such case all the agreements and enactments stated herein shall become null and void but not prejudicing the right of any party to start proceedings concerning any antecedent contravention of any such agreement or enactment.

10. This deed shall be cancelled by the death of either of the parties hereto.

IN WITNESS WHERE OF, the parties have executed this Agreement as of the date first above written.

Witnesses:

1.

2.

**SEPARATION DEED BETWEEN HUSBAND AND WIFE**

THIS DEED OF SEPARATION MADE BETWEEN

Sh.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

S/o\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

R/o \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (hereinafter called "the husband') which expression shall unless the context so requires including his successors, executors and administrators of the one part

AND

Smt.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

W/o\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

R/o\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (hereinafter called "the wife") of the other part.

WHEREAS the parties to this deed are husband and wife and living as such since the solemnisation of their marriage.

WHEREAS owing to differences between the husband and the wife they have mutually consented to live separate from each other and to enter into an arrangement hereinafter contained.

AND WHEREAS the husband has by the wife one child by the name "\_\_\_\_\_\_\_ (name of the child)".

NOW THE PARTIES TO THIS DEED HERETO MUTUALLY CONSENT AS FELLOWS:

1. The wife may at all times after it live independently, separately and disassociated from the husband in all relations not restrained from command/influence of husband and without his dominance.

2. Neither the husband nor the wife shall disturb the other nor intervene or bring a suit for restitution of conjugal rights against the other.

3. The wife shall be having at all times after it sole custody/control of the aforesaid child and with his education/upbringing during his minority. But, the husband at all convenient/reasonable times can meet his child and free to correspond with them.

4. The husband shall be paying an allowance of Rs.\_\_\_\_ to the wife during her life time for sustaining on the 1st day of each month per advance. But, this condition shall be available to her only till she continues to live a chaste life and remain unmarried and perform and observe the conditions/terms herein stated.

5. In addition to the monthly payments specified in clause 4 hereto the husband shall also be paying a monthly amount of Rs.\_\_\_\_\_ for sustenance/education of the child. This sum of monthly sustenance shall be paid till child attaining age of \_\_\_\_ years. The wife shall sustain and educate the child out of this amount and shall keep the husband compensated from and against all claims/demands concerning the sustenance/education of the child. The allowance herein specified shall not be paid if prior attaining the age stated above the child begins to earn his own livelihood or in case of his death.

6. The wife shall be free in removing from her husband's house all her clothing’s, jewellery and personal effects including all her separate property.

7. After the date of this agreement, the wife shall be paying/discharging all debts with liabilities incurred by her. The wife undertakes to keep the husband, compensated thereto and if the husband has to pay any such debts/liabilities he will be free in deducting the same from the maintenance allowance of the wife.

8. If wife expires during lifetime of husband all her separate estate, movable/immovable, remaining undisposed of in her lifetime/by WILL, shall be given to the person/persons becoming entitled to it if husband expired in her lifetime. If the husband is living, he shall allow her will to be proved or administration to her estate to be taken out by such person or persons.

9. On cohabitation of the parties and returning to cohabitation or dissolving their marriage or on they judicial separation due to of any misconduct of the wife occurring after the date hereof then and in any such case all the agreements/enactments herein contained shall become void but without prejudicing the right of any party in taking proceedings concerning any antecedent breach of any such agreement or enactment.

10. This deed shall be cancelled per death of the wife (or, by the death of either of the parties hereto).

IN WITNESS WHERE OF, the parties have executed this Agreement as of the date first above written.

Husband: Wife:

Date:

Witnesses:

Place:

1.

2.