

Divorce Act, 1869

Chapter 4 - Nullity of Marriage

Any husband or wife may present a petition to the District Court¹[***], praying that his or her marriage may be declared null and void.

1.The words "or to the High Court" omitted by Act 51 of 2001, section 14 (w.e.f. 3-10-2001).

Section 19 - Grounds of decree

Such decree may be made on any of the following grounds: -

- (1) that the respondent was impotent at the time of the marriage and at the time of the institution of the suit;
- (2) that the parties are within the prohibited degree of consanguinity (whether natural or legal) or affinity;
- (3) that either party was a lunatic or idiot at the time of the marriage;
- (4) that the former husband or wife of either party was living at the time of the marriage, and the marriage with such former husband or wife was then in force.

Nothing in this section shall effect the¹[jurisdiction of the District Court] to make decrees of nullity of marriage on the ground that the consent of either party was obtained by force or fraud.

1.Substituted by Act 51 of 2001, section 15, for "jurisdiction of the High Court" (w.e.f. 3-10-2001).

Section 20 - Confirmation of District Judge's decree (Repealed)

[Rep. by the Indian Divorce (Amendment) Act, 2001 (51 of 2001), section 16 (w.e.f. 3-10-2001).]

Section 21 - Children of annulled marriage

Where a marriage is annulled on the ground that a former husband or wife was living, and it is adjudged that the subsequent marriage was contracted in good faith and with the full belief of the parties that the former husband or wife was dead, or when a marriage is annulled on the ground of insanity, children begotten before the decree is made shall be specified in the decree, and shall be entitled to succeed, in the same manner as legitimate children, to the estate of the parent who at the time of the marriage was competent to contract.
