

Divorce Act, 1869

Chapter 13 - Re-marriage

1 [57. Liberty to parties to marry again

Where a decree for dissolution or nullity of marriage has been passed and either the time for appeal has expired without an appeal having been presented to any court including the Supreme Court or an appeal has been presented but has been dismissed and the decree or dismissal has become final, it shall be lawful for either party to the marriage to marry again.".]

STATE AMENDMENT

2 Uttar Pradesh:

For the existing section, the following section shall be substituted:

"57. Liberties to parties to marry again.--When six months after the date of any decree absolute dissolving a marriage have expired, and no appeal has been presented against such decree,

or when any such appeal has been dismissed,

or when in the result of any such appeal any marriage is declared to be dissolved, but not sooner, it shall be lawful for the respective parties to the marriage to marry again, as if the prior marriage had been dissolved by death."

1. Substituted by Act 51 of 2001, section 30, for section 57 (w.e.f. 3-10-2001).

2. Vide U.P. Act XXX of 1957, section 2 and schedule (w.e.f. 21-10-1959).

Section 58 - English clergyman not compelled to solemnize marriages of persons divorced for adultery

No clergyman in Holy Orders of the 1[***] Church of England 2[***] shall be compelled to solemnize the marriage of any person whose former marriage has been dissolved on the ground of his or her adultery, or shall be liable to any suit, penalty or censure for solemnizing or refusing to solemnize the marriage of any such person.

1 .The word "United" rep. by Act 12 of 1873, Section 1 and Schedule.

2.The words "and Ireland" rep. by Act 12 of 1873, Section 1 and Schedule.

Section 59 - English Minister refusing to perform ceremony to permit use of his Church

When any Minister of any Church or Chapel of the said 1[***] Church refuses to perform such marriage-service between any persons who but for such refusal would be entitled to have the same service performed in such Church or Chapel, such Minister shall permit any other Minister in Holy

Orders of the said Church, entitled to officiate within the diocese in which such Church or Chapel is situate, to perform such marriage-service in such Church or Chapel.

1. The word "United" rep. by Act 12 of 1873, Section 1 and Schedule

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