

JUDICIAL SEPARATION: AN ALTERNATIVE TO DIVORCE UNDER INDIAN FAMILY LAW

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Abstract: There is a very old Indian saying that “matches are made in heaven.” This is because we believe that, besides our parents, the only person who genuinely loves and cares for us is our partner. However, when this pious relationship, out of some misunderstanding and minor quarrel, turns sour, then it becomes a nightmare for the couple. The Indian legal system has a very sluggish and tiresome process for those who wish to end their marriage through a decree of divorce. It has the capacity to physically, emotionally, and financially drain the pair who are against each other in a court of law. By the means of this paper, the author is explaining an old, but less explored, solution to this problem. It is known as “judicial separation.” At the very beginning, in its first chapter, this work would elaborate upon the meaning and purpose of this conception. Thereafter, the second and third chapters would shed light on the judicial separation clauses that are incorporated into the Indian family legislations. The fourth chapter would discuss the possibility of replacing the divorce with judicial separation. In the later part, i.e., in the fifth chapter, this paper would discuss the role of the judiciary in interpreting the realm of judicial separation. Moving further, the paper would contain the findings of this whole study along with an analysis of the same in its sixth and seventh chapters respectively. Last, but the least, this learning would be completed with some recommendations, followed by a conclusion, in the final chapter.

Keywords: *Judicial Separation, Indian Family Law, Divorce Alternatives, Legal Remedies in Marriage, Judiciary’s Role in Marital Disputes.*

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I. INTRODUCTION

From the evolution of humankind, marriage is considered to be one of the important duties that a person is obligated to perform in his/her lifetime. The first designated humans, Adam and Eve, have also performed their martial obligation¹ and procreated this whole *homo sapiens* world out of it. Under Hindu Vedic tradition, it is one of the sixteen *sanskaras* that a Hindu is bound with.² Apart from Hinduism, every major faith, viz. Islam³ & Christianity⁴, have also highlighted the importance of marriage in a person's life.

However, it is not hard to understand that marriage involves a lot of duties and responsibilities which creates mental pressure on a being, be it a man or woman. Therefore, when two individuals reside with a lot of tension in their minds, there is always a possibility of argument or conflict of opinion. This difference may sometimes become so large and dangerous that it leads parties to take a very harsh step such as divorce. Thus, in order to prevent people from destroying their whole martial ties, the law has stepped in with an alternative, but less cruel, of divorce which is known as "Judicial Separation."

II. SIGNIFICANCE OF THE STUDY

It is an unspoken fact that the courts are reluctant to grant a divorce to parties even when a clear ground for an annulment is made out. This is because judges, being humans, wish to give a second chance to the parties so that they may be able to resolve their conflicts and live happily thereafter. Hence, they take an alternative route of judicial separation where the parties live separately without breaking their marital ties. This paper is an important read because it has a very lucid explanation of the laws related to this separation. It enables, apart from lawyers and academicians, common men & women to easily understand this solution so that in case, God forbid, they land into a situation of divorce, then they may opt for this opportunity.

¹ Ray Pritchard, 'Adam's Rib: How God Arranged the First Marriage' (Keep Believing, 26 May 2002) <<https://www.keepbelieving.com/sermon/adams-rib-how-god-arranged-the-first-marriage/>> accessed 20 January 2024

² Shailaja Sarangi, '16 Sanskaras in Hinduism and Their Relevance from the Past to the Present' (*Pratha*, 22 July 2021) <<https://www.prthaculturalschool.com/post/16-sanskaras-in-hinduism>> accessed 22 January 2024.

³ Shaireen Khan, 'Importance of Nikah' (NikahForever, 18 February 2021) <<https://nikahforever.com/blog/729-2/>> accessed 19 January 2024

⁴ Christopher Ash, 'A Biblical View of Marriage' (*The Gospel Coalition*) <<https://www.thegospelcoalition.org/essay/biblical-view-marriage/>> accessed 23 January 2024

III. STATEMENT OF PROBLEM

There is an alarming increase in divorce cases in the courts all over India. The couples are rapturing their marriage only because of one or two incidences of altercations or mere conflict of opinion. They forget that divorce not only harms them but is detrimental for their children who are dependent on them. The children need both father and mother to lead a happy life, not only for financials but also for emotional and moral support. Thus, it is necessary that the partners take recourse to routes other than the divorce so that everyone escapes from the consequences that come along with the divorce.

IV. RESEARCH QUESTIONS

The researcher attempts to find answers to the following queries through this work:

- (i) What is the meaning and purpose of the term “Judicial Separation”?
- (ii) What are the statutory provisions and judicial precedents related to this concept?
- (iii) Whether this notion could be a suitable alternative to divorce?

V. OBJECTIVES OF STUDY

The Author aims to achieve the hereinafter objectives through this paper:

- i. To examine the feasibility of adopting the path of judicial separation in all the petitions/applications for divorce;
- ii. To clarify the myths and misconceptions related to judicial separation in society;
- iii. To recommend some important steps that may be taken by the courts and contented partners to safeguard a marriage from ending on a disdain note.

VI. HYPOTHESIS

Divorce is seen with a very bad eye in the society. People hesitate to accept a person who has taken divorce with his/her partner. They made very illogical presumptions towards the divorcee that he/she is characterless or impotent, or any other erroneous assumptions. They start a kind of social boycott of that person as they believe that that individual has committed a crime by ending the marriage.

Through this paper, the Author is not making a plea that one should not take divorce whatsoever the situation may worse are. Howbeit, the Author is suggesting that the couple must always

think with a cool heart and mind before taking such a huge step. They must explore other roads before taking the path that ends with the severance of marriage. It not only affects them but also their family which includes their parents, relatives, and children.

VII. SCOPE AND LIMITATION

This paper would contain exhaustive content on the arrangement of judicial separation in Indian family law. It would present this separation as an alternative to divorce which may be tried by the quarreling parties. However, at no point in time, it would try to palm off its readers to engage in this method only. It will only present a clear picture of this amenity and will leave it to the discretion of readers to decide whether they wish to embrace it or not.

The limitation attached to this work is that it may have an impression that it is solely focused on provisions of the Hindu Marriage Act, 1955. However, this is not the case as there is an assessment of all the legislations. In addition to this, the Author would try to maintain a balance of all the statutes and personal laws but since maximum petitions of separation in the courts come under this Hindu Act only; consequently, the legal research contents that emerged in books, or the internet, were heavily based on the Hindu Act in comparison to the other enactments.

VIII. RESEARCH METHODOLOGY

This study's work is primarily of a doctrinal character but also has a little blend of qualitative research. It encompasses a wide range of legal principles and concepts, such as case laws, statutory acts, commentaries, books, peer-reviewed journals, opinions, speeches, interviews, and so on. For this, the researcher looked at a number of Supreme Court, High Courts, and Foreign Courts cases on various online and offline databases and libraries. Additionally, the author also talked to various eminent personalities of the legal field who put their views on the said topic.

CHAPTER I

WHAT IS JUDICIAL SEPARATION

The Black's Law Dictionary defines the term judicial separation as "*an arrangement whereby a husband and wife live apart from each other while remaining married, either by mutual consent (of them in a written agreement) or by judicial decree*".⁵ In addition to this, the Division Bench of Allahabad High Court has also clarified this term in words that "*Judicial Separation is a provision under the Indian marriage laws, wherein both the husband and the wife get an opportunity to introspect about giving a chance to their marriage, before going on with the divorce proceedings. Under a decree of Judicial Separation, both the parties live separately for a period of time getting adequate space, independence and time to think about continuing their marriage or not. During this phase, both the parties still carry the same legal status of being husband and wife and yet at the same time live separately also.*"⁶ Thus, we can say that judicial separation is an attempt to reconcile the conflict between the marital partners where both are allowed to live separately, without divorce, with all the marital rights and obligations with a view that they will give a second thought regarding their decision of marriage annulment.

This separation serves to provide a cooling-off period to the parties. During this time, they may contemplate and make future plans that suit their best interests. There is a tendency of people that when they are given unrestricted space, they are often able to overcome the suffering of an unhappy marriage and weigh the advantages and disadvantages of their current circumstance, either on their own or with the assistance of well-wishers. It also aims to stop snap judgments and hurried separations which may have long-term effects on the partners as well as their children. It is desired because a logical judgment comes only when emotions have calmed down. While living together, they may backstab and insult each other; therefore, it is imperative that they are given ample time and room to decide their future in a calm and composed manner while living separately from each other.

⁵ Black's Law Dictionary (8th edn, 2004) 1449

⁶ Amit Singh v Sandhya Singh, [AIR 2019] SCC OnLine All 6889

CHAPTER II

JUDICIAL SEPARATION UNDER HINDU MARRIAGE ACT, 1955

The Parliament of India enacted the Hindu Marriage Act, 1955 [“HMA”] to amend and codify the marriage laws prevailing for Hindus, Buddhists, Jains, and Sikhs all over India.⁷ In this Act, many progressive regulations such as monogamy⁸, valid age⁹, prohibited relationships¹⁰, etc. were adopted. In this process, the legislators have also instated the provision of judicial separation under Section 10 of the Act which contained 6 grounds to get a court-ordered separation from a partner. These grounds, in order of sequence, were: (a) desertion; (b) cruelty; (c) virulent form of leprosy; (d) venereal disease; (e) unsoundness of mind; & (f) adultery.

Thereafter, the Law Commission of India made a significant recommendation of amendment in Section 10 of the HMA.¹¹ It was suggested that the separate list of grounds for judicial separation, found in Section 10(1), must be abolished and should be replaced with the grounds that enable an individual to request a divorce under Section 13 of the HMA. Acting upon it, the Parliament passed the Marriage Laws (Amendment) Act, 1976, and repealed the grounds in Section 10(1). The grounds given in Section 13 after this amendment are considered to be the law of the land for judicial separation to date. It is important to mention here that the idea of making grounds mentioned in Section 13 as a common ground for both divorce and judicial separation was originally propounded by renowned jurist, Prof. Tahir Mahmood.¹²

Thus today, there are 8 grounds for taking an order of judicial separation under the HMA. These, as per the numbering in HMA, are (i) adultery; (ia) cruelty; (ib) desertion; (ii) conversion; (iii) unsoundness of mind; (v) venereal disease; (vi) renunciation of the world; & (vii) not heard of for more than seven years. Apart from these, the wife also has the option to exhaust four more additional grounds contained in Section 13(2) for taking the separation. However, one may not take any fresh ground other than those contained in the Act.¹³

This court-decreed separation may also be canceled when the parties decide to cohabit together. For this, an application should be placed before the Court. It is even not mandatory that such a

⁷ Hindu Marriage Act 1955, s 2

⁸ Hindu Marriage Act, s 5(i)

⁹ Hindu Marriage Act, s 5(iii)

¹⁰ Hindu Marriage Act, s 5(iv)

¹¹ Law Commission of India, Hindu Marriage Act, 1955 and Special Marriage Act, 1954 (Law Com No 59, 1974) para 5.2

¹² *Ibid.*

¹³ *Kharak Singh Dhapola v Sarojini Dhapola*, [AIR 2009] (NOC) 2157 (Utr.); *Prabhakar v Satyabhama*, 2008 SCC OnLine Bom 334.

party should be the same party who had taken the decree for separation. Upon receiving this application, the Court needs to check two conditions, firstly, that the party must have come with clean hands and stated everything in the application as correct and true; secondly, that it would be just and reasonable to revoke the decree under the present circumstances placed before the court.¹⁴

¹⁴ Hindu Marriage Act 1955, s 10(2)

CHAPTER III

JUDICIAL SEPARATION UNDER DIFFERENT STATUTES

Indian Divorce Act, 1869

The arrangement related to the judicial settlement for Christians is contained in Part V [Section 22 – 26] of the Indian Divorce Act, 1869. This Act obliges that a petition for judicial separation may be filed in the court only when the petitioner is residing in India.¹⁵ Under this, an order of judicial separation may be obtained by the couple for a period of two years or more on the grounds of adultery, cruelty, or desertion. It will have the same legal effects as a *mensa et toro* divorce, in addition to the legal effects that are mentioned in the Act.¹⁶ Thereafter, the wife shall be regarded as unmarried with regard to any or all property, both movable and immovable, that she may acquire, come into, or inherit. It may be distributed by her in all respects as an unmarried woman. If she passes away intestate, the same will be inherited in the same manner in which the property of a widow is disbursed at the time of her death.¹⁷ This scheme is also applicable for women in case of contract, wrongs, injuries, and filing/defending a lawsuit in any civil proceeding. Furthermore, her husband will not be held accountable for any agreements she enters, performs, or incurs during this separation.¹⁸ All these amenities commence from the date of the order and continue till the duration of the separation or the death of one of the parties to the marriage.

It is noteworthy to mention here that this separation may be reversed if any party arrives and satisfies the Court that the order of separation was passed in his/her absence. If the ground taken by the petitioner is of desertion, the also the Court may abrogate the separation if the opposite party proves that such desertion was for a reasonable cause.¹⁹

Parsi Marriage and Divorce Act, 1936

The Parsi Marriage and Divorce Act, 1936, through its Section 34, allows any party of marriage, necessarily Parsi, to file a suit for judicial separation on any of the grounds that are contained for divorce under Section 32 of the Act. These grounds, as per sequence in the Act, are (a) willful non-consummation; (b) unsoundness of mind; (c) pregnancy of the wife at the

¹⁵ Indian Divorce Act 1869, s 2

¹⁶ Indian Divorce Act, s 22

¹⁷ *Ibid.*

¹⁸ Indian Divorce Act, s 25

¹⁹ *Ibid.*

time of marriage with any third person; (d) adultery/fornication/bigamy/rape/unnatural offence; (e) voluntarily caused grievous hurt/infected by venereal disease/forcing wife in prostitution; (f) imprisonment of seven years or more; (g) desertion; (h) non-compliance of a decree of restitution of conjugal rights; (j) conversion. In addition to these, the Court may also grant separation if the defendant has treated the plaintiff in a way that the court deems inappropriate to direct the plaintiff to reside with the defendant.²⁰ This may be for multiple reasons such as abuse, violence, or acting in a harsh/disrespectful manner.

Special Marriage Act, 1956

The stipulation for judicial separation under the Special Marriage Act is, more or less, the same as that of the HMA discussed above. As per this Act, a plea for separation may be submitted to the court if one party to the marriage neglects to abide by a decree for restitution of conjugal rights. Besides this, just like HMA, it may also be filed on the same grounds under which a divorce petition may be presented as per this Act. This includes the additional grounds that are available solely to the wife under the Act.²¹ Thereafter, the Court may allow the separation on the condition that the application of separation has contained all the pleadings as true and they are no reasonable basis to deny such relief.²²

This Act also authorises the court to rescind the decree of separation if there is a petition from the side of any party and it is convinced that there is no reason to continue such separation.²³ Furthermore, the couple may also resume co-habitation without the revocation of such order by the Court.²⁴

²⁰ Parsi Marriage and Divorce Act 1936, s 32(bb)

²¹ Special Marriage Act 1954, s 23(1)

²² *Ibid.*

²³ Special Marriage Act, s 23(2)

²⁴ *Halsbury's Laws of India (Family Law I, Vol 19)* 2nd edn, Lexis Nexis 2014

CHAPTER IV

JUDICIAL SEPARATION AS AN ALTERNATIVE TO DIVORCE

The Hindu Marriage Act, 1955 and the Special Marriage Act, 1956 [“SMA”] are the two statutes that have expressly enshrined judicial separation as an alternative to divorce. It was done under Section 13A²⁵ & Section 27A²⁶ of the respective Acts. Both sections provide that in a case where (i) the parties prayed for a divorce, (ii) they have proven their ground of divorce; and, (iii) if the court believes that there are justified circumstances, then it may grant a relief of judicial separation instead of the divorce. However, it is not an absolute power and all the three aforesaid conditions must be satisfied. These clauses are not found in any other Indian marriage legislation. However, when a higher relief is requested i.e., divorce, then the courts are naturally inclined to grant a lesser one, i.e., judicial separation.²⁷

It should be noted that the court cannot issue a judicial separation decree in lieu of a divorce decree under the HMA if the petition is submitted on the grounds of a change in faith, renunciation of the world, or assumption of death.²⁸ In a similar vein, if a petition is based on the assumption of death, the court is not permitted by the SMA to confer a decree of judicial separation.²⁹

The Parliament has done a commendable job by inserting these two amendments into the statutes. It is always requisite that every decision of a judge must have a statutory backing. Prior to this, some judges, even if they did not want to, mechanically grant divorce as the parties have prayed for it. Today, out of their own will, they can order for separation because they see that there is a scope for a truce when some alone time is given to the husband and wife. However, it is similarly vital to note here that the courts can grant judicial separation, as an alternative, only when the petitioner has made a clear case for divorce.³⁰ When there is no ground for divorce, then judicial settlement can not be given as an alternative to divorce.

²⁵ Marriage Laws (Amendment) Act 1976, s 8

²⁶ Marriage Laws (Amendment) Act, s 28

²⁷ Paras Diwan, *Law of Marriage and Divorce: A Comprehensive treatise on Matrimonial Laws of all the Indian communities including Hindus, Muslims, Christians, Parsis and Jews* (7th edn, Lexis Nexis 2017)

²⁸ Hindu Marriage Act, s 2

²⁹ Special Marriage Act, s 23(2)

³⁰ *Snigdha Chaya Devi v Akhil Chandra Sarma*, 1992 SCC OnLine Gau 1

CHAPTER V

COURTS' VIEW ON JUDICIAL SEPARATION

The English case of *“Montgomery v. Montgomery”*³¹ is one of the first cases in which the notion of judicial separation was extensively discussed. In this verdict, Ormrod J. observed that a judgment of judicial separation removes the petitioner's obligation to reside with the respondent, but does not require them to stop living with each other. The court may not necessarily remove a husband from the marriage residence if a judicial separation decision has been obtained. However, it will do so if the woman needs protection from molestation or any other compelling circumstances.

In the Indian sub-continent, the Apex Court eliminated the lacunas in understanding this concept in *“Darshan Prashad v. Civil Judge, Gorakhpur”*³² and stated that the term "judicial separation" refers to a separation that is decreed by a court rather than separation by a spouse's decision or their mutual consent.

In another landmark judgment titled *“Hirachand Srinivas Managaonkar v. Sunanda”*³³, the Supreme Court held that the decree effectively suspends some of the rights and obligations that both parties had resulting from their marriage and replaces them with the rights and obligations that are outlined in the decree. It is important to remember that the marital connection does not end or dissolve as a result of the court separation judgment; it still exists. This decree gives a chance to the couple for reunification and self-adjustment. If the parties decide to mediate, each party's suspended rights arising from the marriage will be reinstated as they were present before the decree.

Later, in the noteworthy *“Manisha Tyagi v. Deepak Kumar”*³⁴ ruling, the Apex Court made it clear that, depending on the specific facts and circumstances of each case, judges may choose to issue a decree of separation rather than a divorce. The Court also expresses great concern over the rising number of divorces in today's society.

Just like the Supreme Court, the High Courts have also made progressive steps in interpreting the dilemmas related to the separation. In this process, the Madhya Pradesh High Court in *“Benzmin v. Rundbhai”*³⁵ enunciated that the decree for divorce under the Divorce Act, 1969

³¹ *Montgomery v Montgomery* [1965] 404 P 2d 610

³² *Darshan Prashad v Civil Judge, Gorakhpur* [AIR 1992] SC 967

³³ *Hirachand Srinivas Managaonkar v Sunanda* [AIR 2001] 4 SCC 125

³⁴ *Manisha Tyagi v Deepak Kumar* [AIR 2010] SC 1042

³⁵ *Benzmin v Rundbhai* [AIR 1989] MP 25

is required to be confirmed by the High Court, but a decree of judicial separation does not need such confirmation.

In a *locus classicus* case regarding Muslim law, the Allahabad High Court in “***Rahmat Ullah v. State of U.P. & Ors.***”³⁶ pronounced that there is no such thing called “judicial separation” recognised in either Muslim Personal Law or Shariat Law. The Muslim parties who are aggrieved with each other can only take divorce out of their bitter marriage experience.

³⁶ *Rahmat Ullah v State of U.P. & Ors.* [AIR1994] SCC OnLine All 1072

CHAPTER VI

FINDINGS

Judicial separation, or the separation in a marriage by a court order, is a divorce-like process in both its nature and intensity. However, its character is completely different from the latter. The marriage contract is dissolved in a divorce, making the parties strangers to one another. This also allows them to get married elsewhere. However, a remarriage is required if they want to be together once more. The divorce decree does not include a clause that would allow them to reconcile. On the other hand, In the event of a judicial separation, the marriage is just overshadowed and the parties' marital knots are not destroyed. There is always a passivity of reconciliation and is welcomed with open heart. Moreover, they do not have to be married again in order to continue living together.

After a significant discussion on the canons of judicial separation in the above chapters, the Author finds that it is pertinent for a litigator to know the grounds under which he/she may approach the Court for a decree of judicial separation. Consequently, on the cost of repetition, the Author is presenting herein a comprehensive table of grounds mentioned in various statutes for taking judicial separation for the convenience of its readers:

HINDU MARRIAGE ACT, 1955	INDIAN DIVORCE ACT, 1869	PARSI MARRIAGE & DIVORCE ACT, 1936	SPECIAL MARRIAGE ACT, 1956
(i) Adultery	• Adultery	(a) Willful non- consummation	(a) Adultery
(ia) Cruelty	• Cruelty	(b) Unsoundness of mind	(b) Desertion
(ib) Desertion	• Desertion	(c) Pregnancy of the wife at the time of marriage with any third person	(c) Imprisonment of seven years or more
(iii) Unsoundness of mind		(d) Adultery/fornication/ bigamy/rape/unnatural offence	(d) Cruelty

		(dd) Cruelty	
(iv) **** ³⁷		e) Voluntarily caused grievous hurt/infected by venereal disease/forcing wife into prostitution	(e) Unsoundness of mind
(v) Venereal disease		(f) Imprisonment of seven years or more	(f) Venereal disease
(vi) Renunciation of the world		(g) Desertion	(g) Leprosy
(vii) Not heard of for more than seven years		(h) Non-compliance of a decree of restitution of conjugal rights	(h) Not heard of for more than seven years
		(i) ***** ³⁸	
		(j) Conversion	

³⁷ Hindu Marriage (Amendment) Act, s 5

³⁸ Parsi Marriage and Divorce (Amendment) Act 1988, s 8(v)

CHAPTER VII

ANALYSIS

It is always possible that a marriage may reach a point where the relationship gets worse to such a level where it is implausible for the spouses to continue living under one roof. This low may arise either because of one partner's fault or just plain temperamental differences. In this scenario, they may approach the court for a judicial separation if they unilaterally or mutually choose to live apart rather than have their marriage officially dissolved, i.e., have a divorce.

There are also cases where the parties have prayed for a divorce but the judicial separation is ordered in place of a divorce.³⁹ This is because the court determines that this would be in their best interests. Moreover, the parties' ability to live together and participate in society will be restored with the official cancellation of separation judgment. Nevertheless, the parties are also free to do so at any time and do not require the formal repudiation of the order to reside with each other.⁴⁰

³⁹ *Manisha Tyagi v Deepak Kumar*, [2010] 4 SCC 339

⁴⁰ *Halsbury's Laws of India (Family Law I, Vol 19)* 2nd edn, Lexis Nexis 2014

CHAPTER VIII

RECOMMENDATIONS & CONCLUSION

The judicial separation is a nostrum that can cure almost every disease that kills a beautiful marriage. Howbeit, being a less explored arena, it is still unknown to many, and out of this ignorance, they end all kinds of ties with their partners. In the concluding part of this paper, the Author is advocating for the following steps that may be taken by the stakeholders to rectify the lacunas that are creating hurdles in its proper implementation:

- a. The opportunity to avail judicial separation should be made available to Muslims also through judicial/legislative intervention;
- b. The judicial officers should be given proper training to understand this palliative in a better manner;
- c. The conferences and seminars should be arranged by the Government to sensitize the public about this legal cure;
- d. The Government should collaborate with NGOs that act as negotiators between the nuptials;
- e. The alternate dispute resolution process such as mediation and conciliations should be encouraged.

It is not a matter of debate that divorce is always seen as a remedy of last resort. Even the duo, who are in the court proceedings, aims to settle their feud by proper communication. However, this swamp is so rotten that every discussion for settlement turns out into an argument as parties keep digging into each other's old wound. It disappears their chance of harmonization and they end up annulling their marriage with full of poison in their hearts. In the major cases, these parties do not even think of re-marriage and live their remaining life in loneliness. Moreover, it also causes deep trauma in the minds of their children who saw constant fights of their parents and start to assume that marriage is evil and one should never perform a marriage.

This whole fiasco could have been prevented by a single logical and mature decision of the cohabitees. The Indian family law, under the name of judicial separation, allows them to live separately from each other for a fixed period of time and come out of this segregation with a cool-headed resolution. The Indian courts have also batted for this position and majorly award judicial separation even in a prayer for divorce. The parties should accept this and have some time alone to understand the consequences that may occur in repudiation of their marriage. A consultation with family and friends on this issue would also be of great help. They may also

avail the services of professionals like mediators and conciliators. All of these solutions are presented because no one wishes that a beautiful marriage should be ended and its lifelong aftermath should be suffered by the parties and their family. Hence, this paper is finally concluded with the hope that spouses always make the right decision regarding the fate of their marriage and choose to take a road that is beneficial for them.