

'Cooling off' period in Hindu divorce can go: SC

Hindu couples who have mutually agreed to separate need not wait anymore for the mandatory "cooling off" period of six months before divorce, the Supreme Court held on Tuesday.

Once a couple moves a court of law for divorce under the Hindu Marriage Act, they have to wait for a minimum period of six months.

Mutual consent

Divorce by mutual consent was introduced as an amendment to the Hindu Marriage Act in 1976.

The waiting period under Section 13B was mandated to prevent couples from taking any hasty decision to end their marriage. Marriage is a sacrament in Hinduism.

The waiting period was for them to have enough time to think through their decision to separate.

Divorce was granted only after the 'cooling off' period and once the court found there was no further chance for reconciliation.

"The waiting period will only prolong their agony," a Bench of Justices A.K. Goel and U.U. Lalit observed in their judgment.

The court held that the waiting period should be done away with in cases where there is no way to save the marriage and all efforts at mediation and conciliation have run their course; where parties have genuinely settled their differences including alimony, custody of child, etc, between themselves; and already a year and a half has passed since their first motion for separation.

The application for waiver of waiting period can be filed in court within a week of their first motion for separation. The proceedings can be done through video-conferencing, the court observed.

END

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