



## The Bombay Hindu Divorce (Decrees Validation) Act, 1958

Act 88 of 1958

Keyword(s):

Hindu Divorce, Hindu Marriage, Decrees Validation

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**THE BOMBAY HINDU DIVORCE (DECREES VALIDATION) ACT, 1968.**

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1. Short title.
2. Validation of certain decrees.

BOMBAY ACT No. LXXXVIII OF 1958.<sup>1</sup>

[THE BOMBAY HINDU DIVORCE (DECREES VALIDATION) ACT, 1958.]

[23rd October 1958]

An Act to validate certain decrees of divorce passed under the Bombay Hindu Divorce Act, 1947 and the Saurashtra Hindu Divorce Act, 1952.

Bom. XXII of 1947. 20. XXX of 1952. XXV of 1955. XXV of 1955. WHEREAS the Bombay Hindu Divorce Act, 1947 and the Saurashtra Hindu Divorce Act, 1952, provided that desertion for a continuous period of four years was a ground for granting divorce ;

AND WHEREAS the said Acts were repealed by the Hindu Marriage Act, 1955 ;

AND WHEREAS certain persons, deserted for a continuous period of four years before the commencement of the Hindu Marriage Act, 1955, instituted suits for divorce after such commencement, and were granted decrees of divorce ;

AND WHEREAS in Pauper Appeal No. 94 of 1956, Matrimonial Jurisdiction Suit No. 86 of 1956 (Sitabai Ramchandra Todankar v. Ramchandra Raghunath Todankar) a Full Bench of the High Court at Bombay in appeal from its original civil jurisdiction held that such divorces granted, were illegal ;

AND WHEREAS it appears that several divorces have been so irregularly granted, and decrees and orders passed accordingly ;

AND WHEREAS it is expedient to validate such decrees for divorce, and orders consequential thereto, so irregularly granted or made ;

It is hereby enacted in the Ninth Year of the Republic of India as follows :—

1. This Act may be called the Bombay Hindu Divorce (Decrees Validation) Short title. Act, 1958.

Bom. XXII of 1947. 20. XXX of 1952. XXV of 1955. XXV of 1955. Bom. XXII of 1947. 20. XXX of 1952. XXV of 1955. Bom. XXII of 1947. 20. XXX of 1952. XXV of 1955. 2. (1) Notwithstanding the repeal of the Bombay Hindu Divorce Act, 1947 and the Saurashtra Hindu Divorce Act, 1952, by the Hindu Marriage Act, 1955, Validation of certain decrees. or anything contained in the last mentioned Act, or anything in the judgment, decree or order of any Court, any decree for divorce passed by a Court in a suit instituted, after the commencement of the Hindu Marriage Act, 1955, but before the 3rd day of July 1957, on the ground of desertion for a continuous period of four years under the Bombay Hindu Divorce Act, 1947 or under the Saurashtra Hindu Divorce Act, 1952, shall be deemed to be good and valid in law, as also all orders passed by such Court for alimony, for the disposal of joint property, for the custody, maintenance or education of minor children, or other relief consequential on or incidental to the decreeing of such divorce, as if such suit had been instituted before the commencement of the Hindu Marriage Act, 1955 ; and such decree for divorce, and orders consequential or incidental thereto, shall not be deemed to be invalid on the ground merely that the suit for such divorce had been instituted after the repeal of the Bombay Hindu Divorce Act, 1947, or, as the case may be, of the Saurashtra Hindu Divorce Act, 1952, by the Hindu Marriage Act, 1955, in consequence whereof no right to obtain such divorce survived after such repeal.

(2) Nothing contained in this section shall affect the judgment, decree or order of the High Court at Bombay delivered or passed in appeal from its original civil jurisdiction in Pauper Appeal No. 94 of 1956, Matrimonial Jurisdiction Suit No. 86 of 1956 (Sitabai Ramchandra Todankar v. Ramchandra Raghunath Todankar).

<sup>1</sup> For Statement of Objects and Reasons see Bombay Government Gazette, 1958, Part V, pp. 410 and 411.