

THE SCHEDULE

SCHEDULE OF FORMS

No. 1. —PETITION *by husband for a dissolution of marriage with damages against co-respondent, by reason of adultery.*

(See sections 10 and 34).

In the (High) Court of
To the Hon'ble Mr. Justice

[or To the Judge of]
The day of 186 .

The petition of *A.B.*, of

SHEWETH,

1. That your petitioner was on the day of , one thousand eight hundred and , lawfully married to *C.B.*, then *C.D.*, spinster at . (a)

2. That from his said married, your petitioner lived and cohabited with his said wife at and at , in , and lastly at , in , and that your petitioner and his said wife have had issue of their said marriage, *five* children, of whom *two* sons only survive, aged respectively *twelve* and *fourteen* years.

3. That during the three years immediately preceding the day of one thousand eight hundred and , *X.Y.* was constantly with a few exceptions, residing in the house of your petitioner at aforesaid, and that on diverse occasions during the said period, the dates of which are unknown to your petitioner, the said *C.B.* in your petitioner's said house committed adultery with the said *X.Y.*

4. That no collusion or connivance exists between me and my said wife for the purpose of obtaining a dissolution of our said marriage or for any other purpose.

Your petitioner, therefore, prays that this (Hon'ble) Court will decree a dissolution of the said marriage, and that the said *X.Y.* do pay the sum of rupees 5,000 as damages by reason of his having committed adultery with your petitioner's said wife, such damages to be paid to your petitioner, or otherwise paid or applied as to this (Hon'ble) Court seems fit.

(Signed) *A. B.* (a)

Form of Verification

I, *A.B.*, the petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief.

No. 2.—*Respondent's statement in answer to No. 1*

In the court of the day of ,

Between *A.B.*, petitioner,
C.B., respondent, and
X.Y., co-respondent.

C.B., the respondent, by *D.E.* her attorney (*or vakil*), in answer to the petition of *A.B.* says that she denies that she has on diverse or any occasions committed adultery with *X.Y.*, as alleged in the third paragraph of the said petition.

Wherefore the respondent prays that this (Hon'ble) Court will reject the said petition.

(Signed) *C.B.*

(a) If the marriage was solemnized out of India, the adultery must be shown to have been committed in India.

(b) The petition must be signed by the petitioner.

No. 3.—*Co-respondent's statement in answer to No. 1*

In the (High) Court of
The

day of

Between *A.B.*, petitioner,
C.B., respondent, and
X.Y., co-respondent.

X.Y., the co-respondent, in answer to the petition filed in this cause, saith that he denies that he committed adultery with the said *C.B.*, as alleged in the said petition.

Wherefore the said *X.Y.*, prays that this (Hon'ble) Court will reject the prayer of the said petitioner and order him to pay the costs of and incident to the said petition.

(Signed) *X.Y.*

No. 4.—PETITION *for Decree of Nullity of Marriage*
(See section 18)

In the (High) Court of
To the Hon'ble Mr. Justice
Judge of

[or To the

].

The day of , 186 .
The Petition of *A.B.*, falsely called *A.D.*,

SHEWETH,

1. That on the day of , one thousand eight hundred and , your petitioner, then a spinster, eighteen years of age, was married in fact, though not in law, to *C.D.*, then a bachelor of about thirty years of age, at [*some place in India*].

2. That from the said day of , one thousand eight hundred and , until the month of , your petitioner lived and cohabited with the said *C.D.*, at diverse places, and particularly at aforesaid.

3. That the said *C.D.* has never consummated the said pretended marriage by carnal copulation.

4. That at the time of the celebration of your petitioner's pretended marriage, the said *C.D.* was, by reason of the impotency or malformation, legally incompetent to enter into the contract of marriage.

5. That there is no collusion or connivance between her and the said *C.D.* with respect to the subject of this suit.

Your petitioner therefore prays that this (Hon'ble) Court will declare that the said marriage is null and void.

(Signed) *A.B.*

Form of Verification: See No. 1

No. 5.—PETITION *by wife for judicial separation on the ground of her husband's adultery*
(See section 22)

In the (High) Court of
To the Judge of

To the Hon'ble Mr. Justice
[or

].

The day of , 186.

The petition of *C.B.*, of the wife of *A.B.*

SHEWETH,

1. That on the day of , one thousand eight hundred and sixty your petitioner, then *C.D.*, was lawfully married to *A.B.*, at the Church of , in the

2. That after her said marriage, your petitioner cohabited with the said *A.B.* at _____ and that your petitioner and her said husband have issue living of their said marriage, three children, to wit, etc., etc., (*a*).

3. That on diverse occasions in or about the months of *August, September* and *October*, one thousand eight hundred and *sixty* _____ the, said *A.B.*, at aforesaid, committed adultery with *E.F.*, who was then living in the service of the said *A.B.*, and your petitioner at their said residence _____ aforesaid.

4. That on diverse occasions in the months of *October, November* and *December*, one thousand eight hundred and *sixty* _____ the said *A.B.*, at _____ aforesaid, committed adultery with *G.H.*, who was then living in the service of the said *A.B.* and your petitioner at their said residence _____ aforesaid.

5. That no collusion or connivance exists between your petitioner and the said *A.B.*, with respect to the subject of the present suit.

Your petitioner, therefore, prays that this (Hon'ble) Court will decree a judicial separation to your petitioner from her said husband by reason of his aforesaid adultery.

(Signed) *C.B.* (*b*)

Form of Verification : See No. 1

No. 6.—*Statement in answer to No. 5*

In the (High) Court of

B. against B.

The _____ day of

The respondent, *A.B.* by *W.Y.*, his attorney [or vakil] saith, —

1. That he denies that he committed adultery with *E.F.* as in the third paragraph of the petition alleged.

2. That the petitioner condoned the said adultery with *E.F.*, if any.

3. That he denies that he committed adultery with *G.H.*, as in the fourth paragraph of the petition alleged.

4. That the petitioner condoned the said adultery with *G.H.*, if any.

Wherefore this respondent prays that this (Hon'ble) Court will reject the prayer of the said petition.

(Signed) *A.B.*

No. 7.—*Statement in reply to No. 6*

In the (High) Court of

B. against B.

The _____ day of

The petitioner, *C.B.*, by her attorney [or vakil], says —

1. That she denies that she condoned the said adultery of the respondent with *E.F.* as in the second paragraph of the statement in answer alleged.

2. That even if she had condoned the said adultery, the same has been revived by the subsequent adultery of the respondent with *G.H.*, as set forth in the fourth paragraph of the petition.

(Signed) *C.B.*

(a) State the respective ages of the children.

(b) The petition must be signed by the petitioner.

No. 10.—PETITION *for reversal of decree of separation*
(See section 24)

In the (High) Court of
Hon'ble Mr. Justice

To the
[or To the Judge of

].

The day of
The petition of A.B., of

186

SHEWETH,

1. That your petitioner was on the day of
lawfully married to

2. That on the day of this (Hon'ble)
Court at the petition of , pronounced a decree affecting the petitioner to the
effect following, to wit,—

[*Here set out the decree*]

3. That such decree was obtained in the absence of your petitioner, who was then residing at
[*State facts tending to show that the petitioner did not know of the proceedings; and further, that had
he known he might have offered a sufficient defence.*]

or

That there was reasonable ground for your petitioner leaving his said wife, for that his said wife
[*Here state any legal grounds justifying the petitioner's separation from his wife.*]

Your petitioner, therefore, prays that this (Hon'ble) Court will reverse the said decree.

(Signed) A.B.

Form of Verifications: See No. 1.

No. 11.—PETITION *for Protection-order*
(See section 27)

In the (High) Court of
Hon'ble Mr. Justice

To the
[or To the Judge of

].

The day of
The petition of C.B., of
A.B.

186 .
the wife of

SHEWETH,

That on the day of she was lawfully married to
A.B., at

That she lived and cohabited with the said A.B. for
years at , and also at , and hath
had children, issue of her said marriage, of whom are now living
with the applicant, and wholly dependent upon her earnings.

That on or about the said A.B., without any reasonable cause,
deserted the applicant, and hath ever since remained separate and apart from her.

That since the desertion of her said husband, the applicant hath maintained herself by her own
industry [or on her own property, *as the case may be*], and hath thereby and otherwise acquired
certain property consisting of [*here state generally the nature of the property*].

Wherefore she prays an order for the protection of her earnings and property acquired since the
said, day of, from the said A.B.,
and from all creditors and persons claiming under him.

(Signed) C.B.

No. 12.—PETITION *for Alimony pending the suit*
(See section 36)

In the (High) Court of

B. against B.

To, the Hon'ble Mr. Justice
].

[or To the Judge of

The day of 186 .

The petition of *C.B.*, the lawful wife of *A.B.*

SHEWETH,

1. That the said *A.B.* has for some years carried on the business of , at , and from such business derives the net annual income of from Rs. 4,000 to 5000.

2. That the said *A.B.* is possessed of plate, furniture, linen and other effects at his said house, aforesaid, all of which he acquired in right of your petitioner as his wife, or purchased with money he acquired through her, of the value of Rs. 10,000.

3. That the said *A.B.* is entitled, under the will of his father, subject to the life interest of his mother therein to property of the value of Rs. 5,000 or some other considerable amount (*a*).

Your petitioner, therefore, prays that this (Hon'ble) Court will decree such sum or sums of money by way of alimony, pending the suit, as to this (Hon'ble) Court may seem meet.

(Signed) *C.B.*

Form of Verification : See No. 1

No. 13.—*Statement in answer to No. 12*

In the (High) Court of

B, against B.

A.B., of , the above-named respondent, in answer to the petition for alimony, pending the suit, of *C.B.*, says —

1. In answer to the first paragraph of the said petition, I say that I have for the last *three* years carried, on the business of , at and that, from such business, I have derived a net annual income of Rs. 900, but less than Rs. 1,000.

2. In answer to the second paragraph of the said petition, I say that I am possessed of plate, furniture, linen and other chattels and effects at my said house aforesaid, of the value of Rs. 7,000, but as I verily believe of no larger value. And I say that a portion of the said plate, furniture and other chattels and effects of the value of Rs. 1,500 belonged to my said wife before our marriage, but the remaining portions thereof I have since purchased with my own monies. And I say that, save as hereinbefore set forth, I am not possessed of the plate and other effects as alleged in the said paragraph in the said petition, and that I did not acquire the same as in the said petition also mentioned.

3. I admit that I am entitled under the will of my father, subject to the life-interest of my mother therein, to property of the value of Rs. 5,000, that is to say, I shall be entitled under my said father's will, upon the death of my mother, to a legacy of Rs. 7,000, out of which I shall, have to pay to my father's executors the sum of Rs. 2,000 the amount of a debt owing by me to his estate, and upon which debt I am now paying interest at the rate of five per cent per annum.

4. And, in further answer to the said petition, I say that I have no income whatever except that derived from my aforesaid business, that such income, since my said wife left me, which she did on the day of last, has been considerably diminished, and that such diminution is likely to continue. And I say that out of my said income, I have to pay the annual sum of Rs. 100 for such interest as aforesaid to my late father's executors, and also to support myself and my two oldest children.

(*a*) The Petitioner should state her husband's income as accurately as possible

5. And, in further answer to the said petition, I say that, when my wife left, my dwelling-house on the _____ day of _____ last, she took with her, and has ever since withheld and still withholds from me, plate, watches and other effects in the second paragraph of this my answer mentioned, of the value of, as I verily believe, Rs. 800 at the least; and I also say “that, within five days of her departure from my house as aforesaid, my said wife received bills due to me from certain lodgers of mine, amounting in the aggregate to Rs. _____ and that she has ever since withheld and still withholds from me the same sum.

(Signed) A.B.

No. 14.—UNDERTAKING *by minor’s next friend to be answerable for respondent’s costs*

(See section 49)

In the (High) Court of _____ I,
the undersigned A.B., of _____ being the next friend of C.D.
who is a minor, and who is desirous of filing a petition in this Court, under the Indian Divorce Act, against D.D. of _____, hereby undertake to be responsible for the costs of the said D.D. in such suit, and that, if the said C.D. fail to pay to the said D.D. when and in such manner as the court shall order all such costs of such suit as the court shall direct him [or her] to pay to the said D.D., will forthwith pay the same to the proper officer of this court.

Dated this. _____ day of _____ 186 .

(Signed) A.B.