

Factors Influencing Hope and Disappointment in Marriage: A Qualitative Analysis

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ABSTRACT

This research delves into the intricate dynamics of marital relationships by exploring the factors that influence hope and disappointment within marriage. Utilizing a qualitative analysis framework, the study aims to uncover the underlying elements that contribute to the emotional landscape of married couples. Through in-depth study, the research identifies vital factors such as communication patterns, emotional intimacy, financial stability, shared values, and conflict resolution strategies as pivotal in shaping marital hope and disappointment.

Communication emerges as a cornerstone, with open, honest exchanges fostering hope, while poor communication often leads to misunderstanding and disappointment. Emotional intimacy, characterized by mutual support and empathy, is found to be essential in maintaining hope, whereas its absence can result in feelings of isolation and dissatisfaction. Financial stability also plays a significant role; economic pressures can strain relationships, causing disappointment, while financial security can enhance feelings of hope and future planning.

The study further highlights the importance of shared values and life goals, noting that alignment in these areas can strengthen the marital bond and foster hope. In contrast, significant differences can lead to conflicts and disappointment. Conflict resolution strategies are another critical factor; couples who effectively manage disagreements through constructive dialogue and compromise tend to maintain hope, while those who engage in persistent, unresolved conflicts often experience more significant disappointment.

Additionally, external influences such as societal expectations, cultural norms, and support from extended family and friends are examined for their impact on marital hope and disappointment. The findings suggest that a supportive social network and positive cultural attitudes towards marriage can enhance hope, while negative societal pressures and unsupportive networks contribute to disappointment.

The research also delves into the legal provisions on the subject in relation to different religious groups persons. This research contributes to the broader understanding of marital dynamics by providing nuanced insights into the factors that foster hope and mitigate disappointment. The implications of these findings are significant for marriage counselors, therapists, and couples seeking to strengthen their relationships and navigate the complexities of marital life.

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INTRODUCTION

Marriage can bring both hope and disappointment depending on various factors such as individual expectations, communication, compatibility, circumstances, and the dynamics of the relationship.

Marriage is often seen as a symbol of commitment, love, and companionship. It can provide a sense of security, stability, and emotional support. For many people, marriage is a way to build a life with someone they love and share life's joys and challenges with a partner. The hope for a happy and fulfilling life together is what motivates many couples to take the step of getting married.

In the legal context, marriage is a legal union between two individuals that creates certain rights and obligations, such as the right to inherit from each other, the obligation to provide financial support, and the ability to make medical decisions for each other.

CONCEPT

In most legal systems, marriage is considered a contract between two individuals, which establishes their rights and responsibilities towards each other. The terms of this contract may include provisions related to financial support, property division, and child custody, among others.

Hope and disappointment in marriage are not defined by law as they are subjective emotional experiences that individuals may have in their personal relationships.

However, the law does provide certain legal protections and requirements for marriage. For example, marriage laws define who is eligible to get married, the requirements for obtaining a marriage license, and the legal rights and responsibilities of spouses, such as property rights, inheritance, and divorce.

Hope is often associated with the initial stage of marriage when couples are excited about building a life together, starting a family, and creating shared memories. This hope can also come from the idea that marriage provides a strong foundation for a lifelong partnership and can bring a sense of security, love, and companionship.

Hope in marriage refers to the expectation that both parties will fulfill their contractual obligations and work towards maintaining a healthy and fulfilling relationship. This may include aspects such as emotional support, fidelity, and mutual respect, and it can help individuals feel grounded, stable, and secure in their lives. Marriage can also offer a space for personal growth, where individuals can learn from one another, share experiences, and build a shared history.

The concept of hope in marriage refers to the expectation and optimism that the spouses have toward the success and longevity of their marriage. It is the belief that the union will bring happiness, security, and fulfillment to their lives. This hope is often reflected in the vows that couples exchange during their wedding ceremony, where they promise to love, cherish, and support each other for better or for worse, for richer or for poorer, in sickness and in health, till death do them part.

In other words, 'Hope in marriage' includes the following;

Companionship: Marriage can provide a sense of partnership and companionship, where two people can support each other through life's ups and downs.

Shared goals: When two people enter into a marriage, they often have shared goals and dreams for the future. This can give them both a sense of purpose and direction in life.

Emotional intimacy: Marriage can offer a deep level of emotional intimacy, where two people can share their innermost thoughts and feelings without fear of judgment.

Family: For many people, marriage is a way to start a family and build a home together. This can be a source of great joy and fulfillment.

However, despite the hopeful expectations, marriages can also lead to disappointment. Disappointment in marriage refers to the feeling of sadness, frustration, or disillusionment when the marriage fails to meet the expectations and hopes of the spouses.

Marriage can also bring disappointment if the expectations of the individuals involved are not met. It can arise when there are conflicts and disagreements, unmet expectations, or when the relationship becomes stagnant or unfulfilling. The pressures of modern life, such as financial stress, work-life balance, and family responsibilities, can also add to the challenges faced by married couples. In some cases, infidelity, abuse, or other serious issues can lead to disappointment and even the breakdown of the marriage.

Also, marriage can lead to disappointment and frustration if the reality of day-to-day life is different from what they imagined. They may struggle with communication, intimacy, or conflict and feel disconnected or unfulfilled in their relationship. Marriage can also be affected by external factors, such as financial stress, work demands, or health issues, which can put a strain on the partnership. Disappointment in marriage may arise when one or both parties fail to meet their contractual obligations, causing harm or damage to the relationship.

In other words, Disappointment in marriage includes the following;

Unrealistic expectations: Sometimes, people enter into a marriage with unrealistic expectations, and when those expectations are not met, they can become disappointed and disillusioned.

Communication breakdown: Communication is essential to a healthy marriage, but when communication breaks down, it can lead to misunderstandings and conflict.

Infidelity: When one partner is unfaithful, it can be devastating to the other partner and can lead to the breakdown of the marriage.

Growing apart: People can change and grow in different directions over time. It can be challenging to maintain a solid and fulfilling marriage when this happens.

In the legal context, disappointment in marriage can lead to divorce or legal separation, and the spouses seek to dissolve the marriage and divide their assets and liabilities where the marriage is no longer sustainable. Divorce or legal separation can be emotionally and financially challenging for the parties involved and may also affect their children and families. Therefore, it is essential for couples to carefully consider their expectations and commitments before entering into marriage and to seek professional advice and support if needed.

However, the decision to end a marriage is ultimately a personal one and may involve a range of emotional and practical considerations beyond legal requirements.

OBJECTIVES OF STUDY

The study of this topic, 'hope and disappointment in marriages,' is essential from both social and legal points of view because, from ancient times, we have believed that marriages are eternal. It ends only with the death of any party to the marriage. Also, in the Hindu religion, it is believed that marriages last till seven continuous births. But due to the emergence of the concept of dissolution and the social contractual obligation, now marriages are made breakable. But still, the mindset of the people, as well as the law in this context, believes that there should always be a scope for reconciliation between the parties to a marriage. That is why a study on this topic is necessary.

The topic aims to examine the factors that contribute to these emotions, how they affect the individuals involved, and how they impact the overall health of the relationship. It also aims to provide insights and strategies for navigating these emotions and maintaining a positive and fulfilling marriage. Specifically, it seeks to examine the feelings of hope and disappointment that can arise in a marriage and how these emotions can affect the couple's relationship and overall well-being.

Through this topic, individuals can gain a better understanding of the factors that contribute to hope and disappointment in marriage, including communication, expectations, and life events. By exploring these factors and understanding the role they play in marital satisfaction, individuals can learn strategies for managing their emotions and improving their relationships.

Ultimately, the objective of this topic is to help individuals navigate the ups and downs of marriage and cultivate a more fulfilling and satisfying partnership with their spouse.

RESEARCH METHODOLOGY

For this study, the Doctrinal technique will be utilized, which will involve conducting an in-depth investigation of both primary and secondary data sources. In addition to determining the hopes and lacunae in marriages nowadays in accordance with the Indian society, it will also provide a clear understanding of the reasons for both and possible solutions in the context to reconstitute the marriages in relation to the ultimatum in alternative to conclude the marriage with separation. The Article shall also be based on various cases that the Supreme Court and the different High Courts.

LEGISLATIVE FRAMEWORKS

Statutory personal laws in India formalize religious rites that couples use to tie the knot. The rules of the parties' respective jurisdictions govern marriages and dissolutions of marriages. In 1955, the Hindu Marriage Act³ regulated the dissolution of marriages for Sikhs, Hindus, Jains, and Buddhists. Christian Indian Divorce Act of 1869⁴ governs Christian divorces, the Muslim Dissolution to Muslim Marriage Act of 1939 governs Muslim divorces, and the Parsi Marriage and Divorce Act of 1936⁵ governs Parsi marriages. As an effort to establish a standard territorial law for all of India, the Special Marriage Act of 1954 is applicable to individuals of all faiths and seeks to govern interfaith marriages.

Theories of Divorce

1. Guilt Theory

As the name "Guilt Theory" suggests, it's possible that the respondent committed a marital infraction. One example of a marital crime is adultery; another is cruelty; and a third is desertion. This approach presupposes that one spouse must be utterly blameless while the other must be completely culpable; in such a case, a divorce cannot be granted.

2. Consent Theory

Free consent is among the most important requirements for entering into a marriage; hence, according to this argument, if the parties are free to enter into a marriage, they should also be able to dissolve it. For a divorce decree to be granted to either party, the parties must submit joint petitions to the court.

3. Irretrievable Breakdown of Marriage Theory

When a marriage fails to work out, it's because there's no longer any justification for the partners to

³ ACT NO. 25 OF 1955

⁴ Act No. 4 of 1869

⁵ ACT NO. 3 OF 1936

continue living together and no hope for a reconciliation. They shouldn't feel any emotional connection to one another; rather, their relationship should be so tense and angry that getting a divorce is their best choice.

Laws for Hindus

A number of women's groups, including the All-India Women's Conference (AIWC), worked tirelessly throughout the 1930s to secure the right to divorce as a legal right. This fight led to the passage of the Hindu Marriage Act in 1955, which gave Hindu women the same legal protections as males when it came to divorce. As outlined by the concepts of "Restitution of Conjugal Rights" and "Judicial Separation," this Act ensures, under Sections 9 and 10, that marriage may and will always be a place of hope and healing. In addition to covering Hindu marriage dissolution (divorce) under Sections 13–15 of the Hindu Marriage Act, 1955, it also covers marriages that do not fulfill the requirements of Sections 5 and 7 of the Act mentioned above.

Section 9- Restitution of conjugal rights can be sought through a petition filed with a district court by the other spouse in the event that one spouse withdraws from the other's company without providing an acceptable explanation. The court may issue an order restoring conjugal rights if it finds that the petition's claims are valid and that there are no legal obstacles to doing so.

Section 10- According to Section 10(1) of the Hindu Marriage Act, a party to a Hindu marriage who wishes to seek a judicial separation can do so by submitting a petition to the court. The husband or wife can use the reasons listed in Section 13(1) of the HMA⁶ to file for a divorce and the grounds listed in Section 13(2), which will be covered later on in this article, to bolster her case.

Furthermore, as stated in Section 10(2) of the HMA, the parties are no longer required to live together after a decree under Section 10(1) has been issued, and the court may revoke the decree upon either party's petition if it is satisfied with the application.

In a broad sense, a judicial separation occurs when a couple applies to the court for a decree that physically separates them from one another, but they are still legally considered married.

Section 13- Clause 1-A, added to the Act of 1955 by the Hindu Marriage (Amendment) Act, 1964, gives two additional grounds for obtaining a divorce judgment, in addition to the broad grounds for divorce that are presented in Clause 1 of Section 13. The only person who can file for a divorce is the woman, according to Clause 2 of Section 13. There are four specific grounds listed.

Section 13B- It outlines the necessary steps and standards for couples seeking a divorce with mutual consent. The Marriage Laws (Amendment) Act, 1976, states that marriage solemnized before or after its commencement can be dissolved by presenting a joint petition to the district court for a divorce decree. The grounds for this dissolution must be that the spouses have lived apart for at least a year, cannot live together, and have mutually agreed that the marriage should end.

Following six months and eighteen months from the date of the petition's presentation (as mentioned earlier), if neither party withdraws the petition, the court will hear the parties and conduct any inquiries it deems necessary to determine whether a marriage has been solemnized and if the petition's allegations are true. If this is satisfied, the court will declare the marriage dissolved and issue a divorce decree.

Section 14- As stated in Section 14 of the Hindu Marriage Act, 1955, no divorce petition may be filed during the first year of the marriage. It opens the door for reevaluation and reconciliation since partners' temperamental differences can be worked out with time and shouldn't be used as a rationale for divorce.

⁶ Hindu Marriage Act, 1955

Laws for Muslims

As far as Islam is concerned, a marriage might end in divorce or the death of one of the spouses.

1. Divorce by husband

a) Talaq

A. Talaq-ul-Sunnat

This is a form of talaq that can be revoked. A time may come for the pair to make amends with one another. The prophet always supported this sort of talaq. There are two further types of it:

Ahsan

A triple talaq divorce is regarded as the most favorable type of divorce, wherein the husband utters the word "talaq" three times in successive tuhr periods. A tuhr refers to the interval between two consecutive menstrual periods in women. It is regarded as a condition of immaculateness. Following the third occurrence, the wife adheres to the period of iddat. If the couple reconciles within the iddat period, the divorce will be nullified. However, once the iddat term is up, the marriage will be dissolved.

Hasan

The spouse utters the word "talaq" once throughout each subsequent period of purity, repeating this action three times. The marriage terminates following the third announcement. There is an opportunity for reconciliation during the intervals between the first and second utterances, as well as between the second and third announcements. Subsequently, the wife is required to adhere to the term of Iddat.

B. Talaq-ul-Biddat

It is alternatively referred to as talaq-ul-bain. This is an irreversible talaq where the husband utters the three divorces simultaneously. Shias do not recognize this form of talaq, and the prophet did not endorse it. The medication should be administered throughout the period of tuhr or might be provided in written format.

Ila

Suppose the husband solemnly pledges in the name of a deity that he will abstain from physical contact with his wife and successfully upholds this commitment for a duration of four months. In that case, the marital union is terminated.

Zihar

If the husband says from now on his wife is like four sisters or mother or any other woman in his prohibited relationship and then doesn't consummate the marriage for months, the marriage dissolves.

2. Divorce by wife (Talaq-e-tafweez)

It is commonly referred to as delegated talaq. The husband grants the wife the power to initiate divorce through a specific provision in the talaqnama. The woman has the authority to terminate the marriage without the need for involvement from the court.

3. By mutual consent

a) Khula

The term "khula" literally refers to the act of untying or undoing anything. It grants a woman the ability to commence the divorce proceedings by returning the dower or any other assets to her husband, as determined by either the spouses or the court.

b) Mubarat

Both parties are mutually desirous of terminating their association, and neither of them has the ability to commence the process.

4. By Judicial Process

a) Lian

It is alternatively referred to as Zina. In the event that a husband makes allegations of infidelity against his wife but fails to substantiate the claims, the wife has the option to seek legal recourse in order to terminate the marriage. However, if the husband recants his declaration during the legal proceedings, the marriage would not be terminated.

b) Faskh

Judicial divorce refers to the legal dissolution of a marriage. In India, a woman has the legal right to petition for divorce by exercising her choice of puberty or Khyar-ul-bulugh, which is the act of repudiating a marriage upon reaching puberty. This is applicable only if the marriage has not been consummated, as stated in the Dissolution of Marriage Act of 1939.

According to Section 2 of the Act, a woman who is married under Muslim law has the right to get a court order to end her marriage based on one or more of the following reasons:

- In the event that the husband is not found for a duration of four years or more
- If the husband has neglected to provide financial support to his wife for a period of two years or longer
- In the event that the husband receives a prison sentence of seven years or longer
- The husband's failure to fulfill his marital duties for a period of three years without any justifiable excuse.
- Male infertility. Impotence can manifest as either psychological or physiological. The wife must provide evidence of the husband's impotence at the time of marriage and demonstrate that he remains impotent until the lawsuit is filed.
- The husband has been afflicted with insanity for a duration of two years or is currently experiencing a severe manifestation of venereal disease or sexually transmitted disease.
- She has the right to get a divorce by exercising her option of puberty or Khayar-ul-bulugh after she reaches the age of puberty. This is applicable if she was married by her father or another guardian before she was fifteen years old. The minimum age for annulment of marriage is from 15 to 18 years, as long as the marriage has not been consummated.
- The wife has been subjected to cruelty by her husband.
- In any other residual circumstance that is acknowledged as legally acceptable for the termination of marriages according to Muslim law.

Laws for Christians

The British enacted the Indian Divorce Act of 1869 to govern the marriages of Christians in India. It was primarily intended for British residents. The basis for it was the Matrimonial Causes Act of 1857. Over time, the Parent Act underwent changes, with cruelty, desertion, and insanity being included as valid reasons for divorce. Marriage and adultery became the more straightforward grounds for divorce. Subsequently, similar premises were also embraced by other religious groups.

According to Section 10 of the Indian Divorce Act:

1. Any marriage, regardless of whether it occurred before or after the Indian Divorce (Amendment) Act, 2001, can be dissolved by the District Court if a petition is filed by either the husband or the wife. The grounds for dissolution are that since the marriage took place, the respondent:
 - has engaged in extramarital affairs or infidelity;
 - Has renounced Christianity by conversion to another faith;

- Has been diagnosed with an incurable mental illness for a continuous period of at least two years prior to filing the petition;
 - The individual has been afflicted with a severe and untreatable kind of leprosy for a minimum of two consecutive years prior to the submission of the petition.;
 - The individual must have been afflicted with a contagious form of venereal disease for a minimum of two consecutive years prior to the submission of the petition.
 - The respondent has not been reported as alive for a period of at least seven years by individuals who would typically have knowledge of the respondent's status.
 - The individual has deliberately declined to consummate the marriage, resulting in the marriage remaining unconsummated.
 - The respondent has not complied with a court order to return to the conjugal relationship for a period of two years or more after the court issued the order.
 - The respondent has abandoned the petitioner for a minimum of two years prior to the submission of the petition
 - The petitioner has been subjected to such severe mistreatment by the respondent that it has created a justifiable fear in the petitioner's mind that living with the respondent will be detrimental or dangerous.
2. In addition, a wife has the right to file a petition for the termination of her marriage if she can prove that her spouse has committed rape, sodomy, or bestiality since they got married.

Section 10A pertains to the termination of a marriage through mutual agreement. The statement asserts that:

1. A petition for dissolution of marriage can be filed by both parties to the marriage in the District Court, regardless of whether the marriage took place before or after the Indian Divorce (Amendment) Act of 2001. The grounds for filing the petition are that the parties have been living apart for two years or more, are unable to live together, and have mutually agreed to dissolve the marriage.
2. If both parties make a motion no earlier than six months and no later than eighteen months after the date of presenting the petition mentioned in sub-section (1), and if the petition has not been withdrawn by both parties in the meantime, the Court will, after hearing the parties and conducting any necessary inquiry, declare the marriage dissolved from the date of the decree if it is satisfied that a marriage has taken place. The statements in the petition are factual.

Laws for Parsi

The Parsi Marriage and Divorce Act of 1936 is the initial codified legislation governing marriage and divorce in India.

Sections 31 to 33 pertain to the termination of a marriage.

Section 31 pertains to lawsuits filed for the purpose of dissolution.

If a spouse has been consistently absent from their partner for a period of seven years, and there is no evidence of their existence during that time from people who would typically have knowledge of their whereabouts, the marriage can be legally ended upon the request of either party.

Section 32 pertains to the grounds for divorce.

Any individual who is legally married has the right to initiate a legal process to end their marriage based on one or more of the following reasons:

- a) that the marriage has not been consummated within one year following its solemnization due to the deliberate reluctance of the defendant to consummate it.

b) that the defendant was mentally unstable at the time of the marriage and has continued to be so up until the present date.;

Divorce will only be granted on this basis if the plaintiff was unaware of the fact at the time of the marriage and has filed the lawsuit within three years of the marriage.

c) that the defendant has been diagnosed with a chronic and severe mental illness for a period of at least two years prior to the filing of the lawsuit. Alternatively, the defendant has been experiencing a mental disorder of such nature and severity, either continuously or intermittently, that it is unreasonable to expect the plaintiff to live with the defendant.

Divorce will only be granted on this basis if

- At the time of the marriage, the plaintiff was unaware of the asserted fact.
- The lawsuit has been initiated within a period of two years from the date of the marriage., and
- There has been no sexual activity between the married couple since the plaintiff became aware of this truth.;

d) that the defendant has engaged in extramarital affairs, engaged in sexual relations outside of marriage, entered into many marriages simultaneously, committed sexual assault, or engaged in a non-consensual sexual act: Divorce cannot be granted on this basis if the lawsuit has been filed more than two years after the plaintiff became aware of the fact.

e) if the defendant has mistreated the plaintiff after the marriage ceremony or has conducted themselves in a manner that the Court deems unsuitable for the plaintiff to continue living with them

f) In each divorce case, based on this reason, the Court has the authority to decide whether to give a divorce decree or just a decision for judicial separation;

g) that the defendant has intentionally inflicted severe physical harm on the plaintiff or has transmitted a sexually transmitted disease to the plaintiff. In cases where the defendant is the husband, he has forced the wife into engaging in prostitution.

Divorce cannot be granted on this basis if the lawsuit has been filed more than two years after the occurrence of the severe injury after the plaintiff became aware of the infection, or after the most recent instance of forced prostitution.

h) The defendant is currently serving a jail sentence of seven years or longer for a crime as specified in the Indian Penal Code. (45 of 1860),

Divorce will only be granted on this basis if the defendant has served a minimum of one year in prison prior to the filing of the lawsuit.

i) that the defendant has abandoned the plaintiff for a minimum of two years.

j) A Magistrate has issued a decree or order against the defendant, granting separate maintenance to the plaintiff. Additionally, the parties involved have not engaged in sexual intercourse for a period of one year or more since the issuance of the decree or order.

k) that the defendant has renounced their Parsi identity through religious conversion.

Divorce cannot be granted on this basis if the lawsuit has been filed more than two years after the plaintiff became aware of the fact.

Section 32A states that if a married couple does not resume living together or attempt to restore their marital rights within one year after a court ruling, it might be considered a valid reason for divorce.

1. Either spouse in a marriage, regardless of whether the marriage took place before or after the Parsi Marriage and Divorce (Amendment) Act, 1988 (5 of 1988) came into effect, has the right to file for divorce based on the following grounds: —

- that There has been no renewal of living together between the individuals involved in the marriage for a duration of one year or more following the issuance of a court order for legal separation in a case in which they were involved.; or
 - that There has been no reconciliation between the married couple for a period of one year or more after a court order for reconciliation was issued in a legal case involving both parties.
2. A divorce decree will not be granted under sub-section (1) if the plaintiff has not fulfilled an order for financial support issued against them under section 40 of this Act or section 488 of the Code of Criminal Procedure, 1898 (5 of 1898) or section 125 of the Code of Criminal Procedure, 1973 (2 of 1974).

Section 32B pertains to divorce by mutual consent.

1. Under the provisions of this Act, both parties to a marriage, regardless of whether the marriage took place before or after the Parsi Marriage and Divorce (Amendment) Act of 1988, can jointly file for divorce. This can be done if they have been living apart for one year or longer, are unable to reconcile, and have mutually agreed to dissolve the marriage. A suit under this sub-section can only be filed if one year has passed since the date of the marriage at the time of filing the complaint.
2. Upon being convinced, after listening to the involved parties and conducting any necessary investigation, that a marriage has been legally performed under this Act and, the statements in the complaint are accurate, and that neither party's consent to the lawsuit was obtained through coercion or deception, the Court will issue a decree officially dissolving the marriage, effective from the date of the decree.

Section 33 pertains to the joining of a co-defendant

In any divorce case where adultery is the reason for the divorce, the person accused of committing adultery must be named as a co-defendant by the plaintiff unless the Court decides otherwise. If the husband is the plaintiff, the Court has the authority to order the adulterer to pay some or all of the costs of the legal proceedings.

Section 34 pertains to lawsuits filed for the purpose of obtaining a judicial separation.

Any individual who is married has the right to initiate legal proceedings for judicial separation based on the same reasons that would have allowed them to petition for divorce.

Section 36 pertains to a legal action for the restoration of marital rights.

If a husband or wife abandons or stops living with their spouse without a valid reason, the deserted party can file a lawsuit to restore their marital rights. If the court finds the allegations in the complaint to be accurate and sees no valid reason to deny relief, it can issue a decree for the restoration of conjugal rights.

The Special Marriage Act, 1954

This legislation is a restatement of a law that was passed during the time of colonial rule, known as the Special Marriage Act of 1872. The statute was implemented in reaction to the demand put forth by Brahma Samajis as a component of their crusade against Brahminical rituals and idol worship within the Bengal presidency. They requested legislation that would allow for the registration of a straightforward, non-ceremonial civil marriage contingent upon the agreement of both individuals involved. The Act was sometimes known as the Native Marriage Act of 1872. The Act was introduced during a period when Hindu marriage was characterized by ritualistic practices and allowed for limitless polygamy. Its purpose was to transform marriage into a contractual arrangement and enforce monogamy. The Act also established a minimum age of twelve for marriage.

Following independence, the government reinstated this statute and updated it to remain pertinent. Hence, it is referred to as the Act of 1954.

There is a misperception regarding this regulation that it is exclusively applicable to marriages between individuals of different religions or castes. Indeed, individuals belonging to the same religious or caste group could also potentially utilize this statute. It allows for the use of non-religious and consistent approaches. Marriages conducted through individual customs can also be officially recorded under this legislation.

Sections 27 to 30 of the Unique Marriage Act pertain to the legal dissolution of marriage, also known as divorce.

Laws for Jews

India does not have a specific legal code for marriage among Jews. A proposal was made for Jews to establish a Beth Din (Jewish matrimonial council), similar to those in Jerusalem and Baghdad, or to formalize their law in the manner of the Parsis. However, no such events occurred, and the primary source of information for the group in India is legal discourse, namely judicial interpretation.

JUDICIAL DECISIONS

Lata Singh vs. State of Uttar Pradesh⁷

This historic ruling has finally put the question of inter-caste marriage to rest. Based on the court's ruling, it's clear that any major has the freedom to choose their spouse. To take it a step further, it may be seen as an article of the Indian constitution. As a result of certain people's feudal attitudes, the practice of violence perpetrated by family members as a result of an interfaith or intercaste marriage is viewed as savage and unfair since it would limit a person's fundamental rights.

In addition, the court ruled that families that object to gay marriages can cut off all contact with the pair and distance themselves from them, but that they lack the power to physically harm the couple because of their decision.

Smt. Sureshta Devi vs. Om Prakash⁸

In this case, the concept of restitution of conjugal rights has been established, which allows one spouse to demand that the other return to the matrimonial home and fulfill their marital duties.

Suchitra Srivastava vs. Chandigarh Administration⁹

The Supreme Court ruled in this case that states have a responsibility to defend the rights of victims of domestic violence, including the right of victims to live with dignity and respect.

Suman Kapur vs. Sudhir Kapur¹⁰

In this case, the Delhi High Court held that an irretrievable breakdown of marriage is not a ground for divorce under Indian law. The decision was disappointing for many couples who were unable to obtain a divorce due to the lack of such a provision in the law.

A Yousuf Rawther vs. Sowmithri Vishnu¹¹

In this case, the Supreme Court held that mental cruelty is a ground for divorce, but the concept of cruelty is subjective and depends on the facts of each case. This decision has been criticized for being too vague and allowing for inconsistent interpretations.

⁷ 2006 AIR SCW 3499

⁸ 1991 SCR (1) 274

⁹ (2009) 9 SCC 1

¹⁰ 2009 (1) SCC 422

¹¹ 1985 SCC (CRI) 325

Naveen Kohli vs. Neelu Kohli¹²

In this case, the Supreme Court held that a wife who files a false case of dowry harassment against her husband and his family can be charged with perjury. This decision was disappointing for some women's rights activists who felt that it could deter genuine victims of domestic violence from coming forward.

Amardeep Singh v. Harveen Kaur¹³

This appeal sought to resolve the question of whether the six-month waiting period required by Section 13B(2) of the Hindu Marriage Act, 1955, in a case seeking a decree of divorce based on mutual consent, may be waived in extraordinary circumstances or was a statutory requirement.

Based on the case facts and the spouses' circumstances, the court can exercise caution when deciding on the duration; however, if the parties are unable to resolve their differences amicably and return to cohabitation, or if no other options exist, the court may proceed with the expedited resolution, disregarding the provisions of section 13B (2).

Yousuf Rawther v. Sowramma¹⁴

The bride in this story was just fifteen years old when she tied the knot with her husband, who was twenty-two years older. Following the consummation of her marriage, she relocated to her husband's residence. However, her husband was soon away from the city for work, and the wife eventually went back to her parent's house. Her grounds for divorce included a two-year period during which she claimed her spouse could not provide for her. She turned down her husband's offer to return to him.

Both sections 2(ii) and 2(vii) were used to file for the divorce. The court dismissed the second argument, citing the lack of evidence showing that the bride was under the age of fifteen and the consummation of the marriage as grounds for rejection. The fact that the husband could not provide for his wife for at least two years was the primary factor in her divorce.

Lakshmi Sanyal v. Sachit Kumar Dhar¹⁵

The parties involved in this matter are related through blood, being first cousins. The sexual encounter resulted in the appellant becoming pregnant. Their first kid was born in August of 1960, and they became Roman Catholic in January of 1960. A More kid entered the world in 1961. The appellant departed from the respondent's residence in 1965, and the appeal is based on an action that was brought in July 1966 at the original location of the High Court. The appellant claimed that her father did not approve of their marriage, they were in a forbidden connection, and the conversion and sexual relationship occurred under coercion, rendering the marriage null and invalid.

In this case, the High Court found that parental consent was not needed, as stated in Section 19 of the Indian Christian Marriage Act of 1872. Additionally, the Indian Divorce Act of 1869 did not contain any language that would have rendered a marriage invalid due to a party's minor status. The court determined that the marriage could not legally take place because the couple was too closely related to one another, specifically since their consanguinity was of the second degree, which is considered a grave obstacle to marriage under Roman Catholic law. However, the appropriate authorities of the Church provided a dispensation that may eliminate the obstacle. Because of this, the marriage could not be declared void or invalid.

¹² 2006 AIR SCW 1550

¹³ 2017 (8) SCC 746

¹⁴ AIR 1971 KER. 261

¹⁵ 1973 SCR (2) 122

CONCLUSION

It's important to remember that marriage is a complex relationship, and it requires effort and commitment from both partners to make it work. While hope and disappointment are both possible outcomes of marriage, it's ultimately up to the individuals involved to create a relationship that is happy, fulfilling, and mutually supportive. Couples who are willing to work through challenges and communicate openly have a better chance of building a solid and fulfilling marriage. It is essential to recognize that marriage, like any relationship, has ups and downs. It requires effort, commitment, and ongoing communication to maintain a strong and healthy partnership. The key is communicating openly and honestly with your partner, working through problems together, and remaining committed to building a solid and healthy marriage.

In cases of legal disputes related to marriage, the courts may take into account the terms of the marriage contract, as well as the specific circumstances of each case, to determine the appropriate course of action. This may involve enforcing the terms of the agreement, ordering restitution or damages, or granting a divorce or annulment, among other remedies.

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