

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 Division of

To the Hon'ble Mr. Justice [*or* To the Judge of _____].

The _____ day of

186.

The petition of *A. B.*, of

SH EWETH,

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

2. That from his said marriage, 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 few exceptions, residing in the house of your petitioner at _____ aforesaid, and that on divers 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 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 taka 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.

Form of verification

I, *A. B.*, the petitioner name 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 divers 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.

No. 3.—CO-RESPONDENT'S STATEMENT IN ANSWER TO NO. 1

In the High Court Division 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 Division of _____

To the Hon'ble Mr. Justice [or To the Judge of].
 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 Bangladesh.

2. That from the said day of , one thousand eight hundred and , until the month of , one thousand eight hundred and , your petitioner lived and cohabited with the said C.D., at divers 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 said pretended marriage, the said C. D. was, by reason of his 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 Division of

To the Hon'ble Mr. Justice [or To the Judge of]
].

The day

186 .

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

SHEWETH,

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 at _____, and that your petitioner and her said husband have issue living of their said marriage, *three* children, to wit, *etc., etc.*

3. That on divers 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 divers 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.*

From of Verification: see No. 1

No. 6.—STATEMENT IN ANSWER TO NO. 5

In the High Court Division 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 Division 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.*

No. 8.—PETITION FOR A JUDICIAL SEPARATION BY REASON OF CRUELTY

(See section 22)

In the High Court Division of

To the Hon'ble Mr. Justice _____ [or To the Judge of _____].

The _____ day of _____, 186 _____.

The petition of *A. B.* (wife of *C. B.*) of

SHEWETH,

1. That on the _____ day of _____, one thousand

eight hundred and _____, your petitioner, then *A. D.*, spinster, was lawfully married to *C. B.*, at

2. That from her said marriage, your petitioner lived and co-habited with her said husband at _____ until the _____ day of _____, one thousand eight hundred and _____, when your petitioner separated from her said husband as hereinafter more particularly mentioned, and that your petitioner and her said husband have had no issue of their said marriage.

3. That from and shortly after your petitioner's said marriage, the said *C. B.*, habitually conducted himself towards your petitioner with great harshness and cruelty, frequently abusing her in the coarsest and most insulting language, and beating her with his fists, with a cane, or with some other weapon.

4. That on an evening in or about the month of _____ one thousand eight hundred and _____, the said *C. B.*, in the highway and opposite to the house in which your petitioner and the said *C. B.* were then residing at aforesaid, endeavored to knock your petitioner down, and was only prevented from so doing by the interference of *F. D.*, your petitioner's brother.

5. That subsequently on the same evening, the said *C. B.*, in his said house at _____ aforesaid, struck your petitioner with his clenched fist a violent blow on her face.

6. That on one Friday night in the month of _____, one thousand eight hundred and _____, the said *C. B.*, in _____, without provocation, threw a knife at your petitioner, thereby inflicting a severe wound on her right hand.

7. That on the afternoon of the _____ day of _____, one thousand eight hundred and _____, your petitioner, by reason of the great and continued cruelty practiced towards her by her said husband, with assistance withdrew from the house of her said husband to the house of her father at _____, that from and after the said _____ day of _____, one thousand eight hundred and _____, your petitioner hath lived separate and apart from her said husband, and hath never returned to his house or to cohabitation with him.

8. That there is no collusion or connivance between your petitioner and her said husband with respect to the subject of the present suit.

Your petitioner, therefore, prays that this (Hon'ble) Court will decree a judicial separation between your petitioner and the said *C. B.*, and also order that the said *C. B.* to pay the costs of and incident to these proceedings.

(Signed)

A. B.

Form of Verification: see No. 1**NO. 9.—STATEMENT IN ANSWER TO NO. 8**

In the High Court Division of

The day of

Between A. B., petitioner, and C. B., respondent.

C. B., the respondent, in answer to the petition filed in this cause, by W. J., his attorney [or vakil], saith that he denies that he has been guilty of cruelty towards the said A. B., as alleged in the said petition

(Signed)

C. B.

No. 10.—PETITION FOR REVERSAL OF DECREE OF SEPARATION

(See section 24)

In the High Court Division 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 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 Verification: See No. 1

No. 11.—PETITION FOR PROTECTION-ORDER

(See section 27)

In the High Court Division of

To the Hon'ble Mr. Justice [or To the Judge of]

The day of , 186 .

The petition of C.B., of

the wife of A. B.

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 had 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 Division of

B. against B.

To the Hon'ble Mr. Justice [or To 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 taka 4,000 to 5,000.

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 taka 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 taka 5,000 or some other considerable amount.

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 Division 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 taka 900, but less than taka 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 taka 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 taka 1,500, belonged to my said wife before our marriage, but the remaining portions thereof I have since purchased with my own moneys. 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 taka 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 taka 7,000, out of which I shall have to pay to my father's executors the sum of taka 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 taka 100 for such interest as aforesaid to my late father's executors, and also to support myself and my two eldest children.

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, taka 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 taka _____, 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 Division 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., I will forthwith pay the same to the proper officer of this Court.

Dated this _____ day of _____, 186 _____.

(Signed) _____ A. B.

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