

(38)

50. Liberty to parties to marry again.—When six **(New)** months after the date of an order of a High Court confirming the decree for dissolution of marriage made by a District Judge have expired,

or when six months after the date of any decree of a High Court dissolving a marriage have expired and no appeal has been presented against such decree,

or when any such appeal has been dismissed or when as a result of such appeal any marriage is dissolved, it shall be lawful for the respective parties to the marriage to marry again as if the prior marriage had been dissolved by death.

(39)

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38. Consequences of annulment of marriage.—(1) Where a marriage is annulled by a decree of nullity, * * * the parties thereto shall be deemed never to have been married, nor to have been related to each other as husband and wife;

Provided that where a marriage is annulled by a decree of nullity on the ground that a former husband or wife was living and it is adjudged that the subsequent marriage was solemnized in good faith and that one or both of the parties fully believed that the former husband or wife was dead, children begotten before the decree is passed shall be specified in the decree and shall in all respects to be deemed to be, and always to have been, the legitimate children of their parents.

(2) Where a marriage is annulled by a decree of dissolution or a decree of divorce, the parties shall cease to be related to each other as husband and wife from the date of the decree, and any children begotten of the marriage shall in all respects be deemed to be, and always to have been, the legitimate children of their parents and their names shall be specified in the decree.

(41)

Jurisdiction and procedure

39. Extent of power to grant relief under this Part.—Nothing contained in this Part shall authorise any Court.—

(a) to make decrees of nullity of marriage except where the marriage has been solemnized in India and the petitioner is resident in India at the time of presenting the petition.

(b) to make decrees of dissolution or divorce, except where the parties to the marriage are domiciled in India at the time of presenting the petition; or

(c) to grant any relief under this Part other than a decree of nullity of marriage or a decree of dissolution or divorce, except where the petitioner resides in India at the time of presenting the petition.

37. Effect of declaring marriage null and void.—(1) Where a marriage is dissolved on the ground that it is a void marriage, or where a marriage has been declared to be void, void marriage shall be deemed to have been void *ab initio*, and any children begotten of the marriage shall be deemed to be, and always to have been, illegitimate:

Provided that where a marriage is dissolved or declared to be void on the ground that a former husband or wife was living and it is adjudged that the subsequent marriage was solemnized in good faith and that one or both of the parties fully believed that the former husband or wife was dead, children begotten before the decree is made shall be specified in the decree and shall in all respects be deemed to be, and always to have been, the legitimate children of their parents.

(2) Where a marriage is dissolved on any of the grounds specified in sections 29 and 30, any children begotten of the marriage shall in all respects be deemed to be, and always to have been, the legitimate children of their parents and their names shall be specified in the decree.

**Part IV,
sec. 29(I),
page 21.**

(40)

Jurisdiction and procedure

39. Extent of power to grant relief under this Part.—Nothing contained in this Part shall authorise any Court.—

(a) to make decrees for dissolution of marriage—

(i) in the case of a void marriage or in the case of a voidable marriage which contravenes the provisions of clause (2) of section 7 or clause (2) of section 10 or which can be avoided on the ground that either party to the marriage was important at the time of the marriage and continued to be so until the institution of the proceeding, unless the marriage has been solemnized in a Province and the petitioner is resident in the Province at the time of presenting the petition ; or

(New)

(ii) in the case of a voidable marriage, not falling within sub-clause (i) of clause (a) of this section, unless the parties to the marriage are domiciled in a Province at the time when the petition for dissolution is presented; or

(b) to grant any relief under this Part, other than a decree for dissolution of marriage except where the petitioner resides in a Province at the time of presenting the petition.

(41)

(42)

40. Court to which petition should be made and hearing in camera.— (1) Every petition under this Part shall be presented to the district court within the local limits of whose ordinary original civil jurisdiction the marriage was solemnized or the husband and wife reside or last resided together.

(2) A proceeding under this Part shall be conducted *in camera* If either party so desires or if the Court thinks ill to do so.

(43)

41. Contents and verification of petitions.—(1) Every petition presented under this Part shall state, as distinctly as the nature of the case permits, the facts on which the claim to relief is founded and every petition for the annulment of any marriage or for judicial separation shall state that there is no collusion between the petitioner and the other party to the marriage.

(2) The statements contained in every petition under this Part shall be verified by the petitioner or some other competent person in the manner required by law for the verification of complaints, and may at the hearing be referred to as evidence.

(44)

42. Application of the Code of Civil Procedure.—Subject to the other provisions contained in this Part, all proceedings under 'this Part between party and party shall be regulated, as far as may be, by the Code of Civil Procedure, 1908 (Act V of 1908).

(45)

43. Decree in proceeding.—In any petition presented under this Part, whether defended or not, if the court is satisfied that any of the grounds for granting relief exists and that the petition has not been presented or prosecuted in collusion with the respondent or that the adultery complained of, if any, has not been connived at or condoned, the court shall decree such relief accordingly.

40. Court to which petition should be made.— Sec. 3(2),
Every petition under this Part shall be presented to the Ind. Div.
District Court Act within the local limits of whose Act.
ordinary original civil jurisdiction the husband and wife
reside or last resided together.

48. Suits may be heard within Closed doors.—A proceeding
under this part shall be conducted *in camera* at the instance of either
party or if the Court thinks fit to do so.

(42)

41. Contents and verification of petitions.—(1) Sec. 10,
Every petition presented under this Part shall state, as Ind. Div.
distinctly as the nature of the case permits, the facts Act.
on which the claim to relief is founded and every
petition for a decree of dissolution of marriage, or of
judicial separation shall state that there is no collusion
between the petitioner and the other party to the
marriage.

(2) The statements contained in every petition under this Part shall
be verified by the petitioner or some other competent person in the
manner required by law for the verification of complaints, and may at
the hearing be referred to as evidence.

(43)

42. Application of the Code of Civil Procedure.— S. 15,
Subject to the other provisions contained in this Part, Ind. Div.
all proceedings under this Part between party and Act.
party shall be regulated, as far as may be, by the Code
of Civil Procedure, 1908 (V of 1908).

(44)

43. Decree in proceeding.—In any petition presented under this
Part, whether defended or not, if the court is satisfied that any of
the grounds for granting relief exists and that the petition has not
been presented or prosecuted in collusion with the respondent or that
the adultery complained of, if any, has not been connived at or
condoned, the court shall decree such relief accordingly.

(45)

(46)

Other orders that may be passed in annulment proceeding

44. Alimony, pendente lite.—Where in any proceeding under this Part, it appears to the court that the wife has no independent income sufficient for her support and the necessary expenses of the proceeding, it may, on the application of the wife, order the husband to pay to her the expenses of the proceeding, and monthly during the proceeding such sum not exceeding one-fifth of her husband's net income as to the court seems reasonable.

(47)

45. Permanent alimony.—(1) Any court exercising jurisdiction under this Part may, at the time of passing any decree or at any time subsequent thereto, on application made to it for the purpose, order that the husband shall, while the wife remains chaste and unmarried, secure to the wife, for her maintenance and support, if necessary, a charge on the husband's property of such gross sum or such monthly or periodical payment of money for a term not exceeding her life as, having regard to her own property, if any, her husband's property and the conduct of the parties, shall be deemed just.

(2) If the court is satisfied that there is a change in the circumstances of either party at any time after it has made an order under sub-section (1), it may, at the instance of either party vary, modify or rescind any such order in such manner as the court may deem just.

(3) If the court is satisfied that the wife in whose favour an order has been made under sub-section (1) or (2) has remarried or has not remained chaste, it shall * * rescind the order.

(48)

46. Custody of children.—In any proceeding under this Part, the Court may, from time to time, pass such *interim* orders and make such provisions in the decree as it may deem just and proper with respect to the custody, maintenance and education of minor children, consistently with their wishes wherever possible, and may, after the decree, upon application by petition for the purpose, make, revoke, suspend or vary, from time to time, all such orders and provisions with respect to the custody, maintenance and education of such children as might have been made by such decree or *interim* orders in case the proceeding for obtaining such decree were still pending.

45. Alimony, pendente lite.—Where in any proceeding under this Part, it appears to the court that the wife has no independent income sufficient for her support and the necessary expenses of the proceeding, it may, on the application of the wife, order the husband to pay to her the expenses of the proceeding, and monthly during the proceeding such sum not exceeding one fifth of her husband's net income as to the court seems reasonable.

**Sec. 6,
Bombay
Act**

(46)

46. Permanent alimony.—(1) Any court exercising jurisdiction under this Part may, at the time of passing any decree or at any time subsequent thereto, on application made to it for the purpose, order that the husband shall, while the wife remains chaste and unmarried, secure to the wife, for her maintenance and support, if necessary, a charge on the husband's property of such gross sum or such monthly or periodical payment of money for a term not exceeding her life as, having regard to her own property, if any, her husband's property and the conduct of the parties, shall be deemed just.

**Sec. 6,
Bombay
Act**

(2) If the court is satisfied that there is a change in the circumstances of either party at any time after it has made an order under sub-section (1), it may, at the instance of either party vary, modify or rescind any such order in such manner as the court may deem just.

(3) If the court is satisfied that the wife in whose favour an order has been made under sub-section (1) or (2) has remarried or has not remained chaste, it shall vary or rescind the order.

(47)

47. Custody of children.—In any proceeding under this Part, the Court may, from time to time, pass such interim orders and make such provisions in the decree as it may deem just and proper with respect to the custody, maintenance and education of minor children, consistently with their wishes wherever possible, and may, after the decree, upon application by petition for the purpose, make, revoke, suspend or vary, from time to time, all such orders and provisions with respect to the custody, maintenance and education of such children as might have been made by such decree or *interim* orders in case the proceeding for obtaining such decree were still pending.

**Sec. 15,
Bombay Act.**

(48)

(49)

47. Disposal of property.—Any court exercising jurisdiction under this Part may at the time of passing any decree make such provisions in the decree as it may deem just and proper as respects—

(i) any property which belonged jointly to the husband and the wife immediately before the decree;

(ii) any property which belongs to the wife, whether by way of dowry as defined in section 93 or otherwise, and which is in the possession of the husband.

(50)

Execution of, and appeals from, decrees and orders

48. Enforcement of, and appeal from, decrees and orders.—All decrees and orders made by the court in any proceeding under this Part shall be enforced in like manner as the decrees and orders of the court made in the exercise of its original civil jurisdiction are enforced, and may be appealed from under the law for the time being in force:

* * * * *

Provided that there shall be no appeal on the subject of costs only.

(49)

49. Enforcement of and appeal from orders and decrees.—All decrees and orders made by the court in any proceeding under this Part shall be enforced in like manner as the decrees and orders of the court made in the exercise of its original civil jurisdiction are enforced, and may be appealed from under the law for the time being in force:

Provided that—

(a) there shall be no appeal from a decree of a District **(New)** (New) Court for dissolution of marriage or from the order of the High Court confirming or refusing to confirm any such decree;

(b) there shall be no appeal on the subject of costs only.

(50)

(51)

CHAPTER IV

*Special provisions for annulment of Marumakkattayam
or Aliyasantana marriage***49. Annulment of Marumakkattayam or Aliyasantana marriage.—**

(1) Save as provided in sub-section (4) of section 24A, a marriage solemnized under that section may be annulled—

- (a) by a decree of nullity under section 49A;
- (b) by an order of divorce under section 49B;
- (c) by a registered instrument of dissolution executed by the parties to the marriage:

Provided that, if the female party to the marriage has not completed the age of eighteen years, no marriage shall be annulled by an order of divorce before she completes that age.

(2) The annulment of a marriage by a registered instrument of dissolution shall take effect from the date of the registration of the instrument.

(52)

49A. Grounds for a decree of nullity of Marumakkattayam or Aliyasantana marriage.—(1) Any marriage solemnized before the commencement of this Code under the Marumakkattayam or Aliyasantana law may be annulled by a decree of nullity,—

- (a) if by reason of the provisions of any law in force at the time of the marriage, such marriage was invalid on the ground that either party had a spouse living at the time of the marriage; or
- (b) if the parties at the time of the marriage were within the degrees of prohibited relationship as defined by clause (c) of section 5 :

Provided that no marriage so solemnized shall be annulled under the provisions of clause (b) of this sub-section, if it was valid under the provisions of any law in force at the time of the marriage.

(2) Save as provided in sub-section (4) of section 24A, a marriage solemnized under that section, may be annulled by a decree of nullity if it contravenes the condition specified in clause (i) or clause (iv) of section 7.

(3) Where a marriage is annulled by a decree of nullity under this section, the parties thereto shall be deemed never to have been married, nor to have been related to each other as husband and wife:

Provided that where a marriage is annulled by a decree of nullity on the ground that a former husband or wife was living and it is adjudged that the subsequent marriage was solemnized in good faith and that one or both of the parties fully believed that the former husband or wife was dead, children begotten before the decree is passed shall be specified in the decree and shall in all respects be deemed to be and always to have been the legitimate children of their parents.

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49B. Petition and procedure for divorce in respect of Marumakkattayam or Aliyasantana marriage.—(1) Save as provided in sub-section (4) of section 24A, any party to a marriage under that section may present a petition to the district court for the annulment of such marriage by an order of divorce.

(2) The petition shall specify the place where, the date on which, and the name and address of the guardian, if any, with whose consent, the marriage was solemnized.

(3) A copy of such petition shall be served on the respondent at the cost of the petitioner.

(4) On the motion of the petitioner, made not earlier than six months and not later than one year after the date of the service of the copy of the petition aforesaid, if the petition is not withdrawn in the meantime, the court shall, on being satisfied, after such enquiry as it thinks fit that a marriage which is valid under section 24A was solemnized between the parties and that such marriage complied with both the conditions specified in clauses (i) and (iv) of section 7, by order in writing declare the marriage annulled.

(5) The annulment of the marriage shall take effect from the date of the order, and either party to the marriage shall then be at liberty to marry again subject to the provisions of this Part.

(6) Where a marriage is annulled by an order of divorce under this section, the parties shall cease to be related to each other as husband and wife from the date of the order, and any children begotten of the marriage shall in all respects be deemed to be and always to have been the legitimate children of their parents.

(54)

50. Application of certain provisions to Marumakkattayam or Aliyasantana marriage.—(1) The provisions of sections 39 to 48 inclusive shall apply, as far as may be, to proceedings for the annulment under this Chapter, whether by a decree of nullity or by an order of dissolution, of any marriage solemnized under section 24A.

(2) Nothing contained in this section shall affect the operation of subsection (4) of section 24A, and save as provided in sub-section (1), nothing contained in Chapter II or Chapter III shall apply to, or in relation to, any marriage solemnized under that section.

(54)

(55)

CHAPTER V

*Savings***51. Saving of prior marriages and special provisions therefor.—**

(1) A *marriage solemnized between Hindus before the commencement of this Code*, which is otherwise valid, shall not be deemed to be invalid or ever to have been invalid by reason only of the fact that the parties thereto belonged to the same *gotra* or *pravara* or belonged to different castes or sub-divisions of the same caste.

(2) A marriage which was solemnized before the commencement of this Code between a female who was governed by the Marumakkattayam or Aliyasantana law at the time of the marriage and a male Hindu and which is valid and subsisting at the commencement of this Code shall continue to be a valid marriage, and the special provisions contained in this Code with respect to annulment of Marumakkattayam or Aliyasantana marriages shall apply to, or in relation to, such marriage in like manner as they apply to, or in relation to, a marriage between persons both of whom are governed by that law.

(3) A conjugal union of a female belonging to any of the communities specified in clause (b) of the definition of “Marumakkattayam law” in section 3 with a male Hindu, whether governed by that law or not, which was openly solemnized before the commencement of this Code with the customary ceremonies prevailing in the community to which the parties belong or either of them belongs shall be deemed for all purposes [including sub-section (2)] to be and always to have been a valid marriage if the parties to the union are not related to each other in such degree of consanguinity or affinity that conjugal union between them is prohibited by any custom or usage of the community to which they belong or either of them belongs:

Provided that nothing contained in this sub-section shall be deemed to invalidate any dissolution of the marriage effected before the commencement of this Code in accordance with the custom prevailing in the community to which the parties belong or either of them belongs.

51A. Dissolution before or after Code of certain valid marriages not to effect rights of children.—Where a marriage solemnized before the commencement of this Code between a female governed by the Marumakkattayam or Aliyasantana law at the time and a male Hindu is a valid marriage by reason of any law, whether in force at the time of the marriage or passed subsequently, or by reason of sub-section (3) of section 51, the dissolution of the marriage, whether by death or otherwise and whether before or after the commencement of this Code, shall not affect in any way the legal

status or rights under this Code of the children of such marriage or of their descendants.

Part IV,
sec. 3,
page 15 (Ex-
planation.)

27. Saving of prior marriages.—A marriage solemnized between Hindus before the commencement of this Code, which is otherwise valid, shall not be deemed to be invalid or ever to have been invalid, by reason only of the fact that the parties thereto belonged to the same *gotra* or *pravara* or belonged to different castes or sub-divisions of the same caste.

Part IV,
sec. 34,
page 22,
sec. 17,
Bombay Act.

51. Savings.—(1) Nothing contained in this Part shall be deemed to affect any right conferred by the Madras Marumakkattayam Act, 1932 (Madras Act XXII of 1932) to obtain the dissolution of a sacramental marriage, whether solemnized before or after the commencement of this Code.

(2) Nothing contained in this Part shall affect any proceeding under any other law for the time being in force for dissolution of marriage or for nullity of marriage or for judicial separation pending at the date of the commencement of this Code, and any such proceeding may be continued and determined as if this

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Code had not been passed.

(55)

51B. Saving of pending proceedings.—Nothing contained in this Part shall affect any proceeding under any other law for the time being in force

for the annulment of any marriage or for judicial separation pending at the date of the commencement of this Code, and any such proceeding may be continued and determined as if this Code had not been passed.

(56)

PART III-ADOPTION

CHAPTER I

Adoption generally

52. Prohibition of adoption in contravention of this Part.—(1)

No adoption shall be made after the commencement of this Code by or to a male Hindu except in accordance with the provisions contained in this Part.

(2) Except in the cases referred to in sub-section (2) of section 66, any adoption made in contravention of this Part shall be void.

(3) An adoption which is void shall neither create any rights in the adoptive family in favour of any person which he could not have acquired except by reason of the adoption nor destroy the rights of any person in the family of birth.

(57)

53. Requisites of a valid adoption.—No adoption shall be valid unless—

- (i) the person adopting has the capacity, and also the right, to take in adoption;
- (ii) the person giving in adoption has the capacity to do so;
- (iii) the person adopted is capable of being taken in adoption;
- (iv) the adoption is completed by a physical giving and taking; and
- (v) the adoption complies with the other conditions mentioned in this Part.

(58)

Capacity to take in adoption

54. Capacity of a male Hindu to take in adoption.—Any male Hindu who is of sound mind and has completed the age of eighteen years has the capacity to take a son in adoption;

Provided that a Hindu who has a wife living shall not adopt except with the consent of his wife or, if he has more than one wife, except with the consent of at least one of such wives, unless the wife or all

the wives, as the case may be, is or are incapable of giving consent.

Explanation.—For the purposes of this section, a wife shall be deemed to be incapable of giving consent if she is of unsound mind or has not attained the age of eighteen years.

PART III-ADOPTION

CHAPTER I

Adoption generally

**Part VI,
secs. 1, 17,
and 27,
pages 24, 27
and 28.**

52. Prohibition of adoption in contravention of this Part.—(1) No adoption shall be made after the commencement of this Code by or to a male Hindu except in accordance with the provisions contained in this Part.

(2) Except in the case referred to in sub-section (2) of section 66, any adoption made in contravention of the provisions of this Part shall be void.

(3) An adoption which is void shall neither create any rights in the adoptive family in favour of any person which he could not have acquired except by reason of the adoption nor destroy the rights of any person in the family of birth.

(56)

**Part VI,
sec. 4,
page 24**

53. Requisites of a valid adoption.—No adoption shall be valid unless—

(i) the person adopting has the capacity, and also the right, to take in adoption;

(ii) the person giving in adoption has the capacity to do so;

(iii) the person adopted is capable of being taken in adoption;

(iv) the adoption is completed by a physical giving and taking; and

(v) the adoption complies with the other conditions mentioned in this Part.

(57)

**Part VI,
sec. 5(1),
page 24**

Capacity to take in adoption

54. Capacity of a male Hindu to take in adoption.—

Any male Hindu who is of sound mind and has completed the age of eighteen years has the capacity to take a son in adoption:

Provided that a Hindu shall not adopt except with the consent of his wife or, if he has more than one wife, except with the consent of at least one of such wives, unless the wife or all the wives, as the case may be, is or are incapable of giving consent.

Explanation.—For the purposes of this section, a wife shall be deemed to be incapable of giving consent if she is of unsound mind or has not attained the age of eighteen years.

(58)

(59)

55. Capacity of widow to take in adoption.—(1) Any Hindu widow who is of sound mind and has completed the age of eighteen years has the capacity to take a son in adoption to her husband.

Provided that—

- (a) her husband has not * * * * prohibited her from adopting, and
- (b) her power to adopt has not terminated.

(2) Nothing in sub-section (1) shall be deemed to prevent a Hindu widow who has not completed the age of eighteen years from adopting a boy named by her husband in any authority conferred on her in the manner hereinafter provided.

(60)

56. Authority or prohibition in regard to adoption.—(1) Any male Hindu who has the capacity to take a son in adoption as aforesaid may authorise his wife to adopt a son to him after his death, or prohibit her from doing so.

(2) Where there are more wives than one, the authority may be given to, or the prohibition imposed on, any or all of them.

(3) Where a Hindu who has left two or more widows, has expressly authorised any one or more of them to adopt a son, he shall be deemed to have prohibited the others from adopting.

(61)

57. Manner of giving authority or imposing prohibition or revoking the same.—(1) No authority to adopt, and no prohibition of adoption, shall be valid unless given or imposed by an instrument registered under the Indian Registration Act, 1908 (XVI of 1908), or by a will executed in accordance with the provisions of section 63 of the Indian Succession Act, 1925 (XXXIX of 1925).

(2) Any authority or prohibition so given or imposed may be revoked

either by an instrument registered, or a will executed, as aforesaid.

(3) If the authority or prohibition is given or imposed by a will, it may also be revoked in any of the other modes set out in section 70 of the Indian Succession Act, 1925 (XXXIX of 1925), as modified by Schedule III to that Act.

55. Capacity of widow to take in adoption.—(1) Any Hindu widow who is of sound mind and has completed the age of eighteen years has the capacity to take a son in adoption to her husband;

Provided that—

(a) her husband has not expressly or impliedly prohibited her from adopting ; and

(b) her power to adopt has not terminated.

(2) Nothing in sub-section (1) shall be deemed to prevent a Hindu widow who has not completed the age of eighteen years from adopting a boy named by her husband in any authority conferred on her in the manner hereinafter provided

(59)

Part VI,
sec. 6,
page 24.

56. Authority or prohibition in regard to adoption.—

(1) Any male Hindu who has the capacity to take a son in adoption as aforesaid may authorise his wife to adopt a son to him after his death, or prohibit her from doing so.

(2) Where there are more wives than one, the authority may be given to, or the prohibition imposed on, any or all of them.

(3) Where a Hindu who has left two or more widows, has expressly authorised any one or more of them to adopt a son, he shall be deemed to have prohibited the others from adopting.

(60)

Part VI,
sec. 7,
page 24,

57. Manner of giving authority or imposing prohibition or revoking the same.—(1) No authority to adopt, and no prohibition of adoption, shall be valid unless given or imposed by an instrument registered under the Indian Registration Act, 1908 (XVI of 1908), or by a will executed in accordance with the provisions of section 63 of the Indian Succession Act, 1925 (XXXIX of 1925).

(2) Any authority or prohibition so given or imposed may be revoked either by an instrument registered, or a will executed, as aforesaid.

(3) If the authority or prohibition is given or imposed by a will, it may also be revoked in any of the other modes set out in section 70 of the Indian Succession Act, 1925 (XXXIX of 1925), as modified by Schedule III to that Act.

(61)

(62)

58. Right to adopt as between two or more widows.— Where a Hindu has left two or more widows with capacity to take a son in adoption to him, the right to adopt is determined as between them in accordance with the following provisions :—

(a) If he has granted to all or any of them authority to adopt, indicating the order of preference in that behalf, the right to adopt shall follow that order.

(b) If he has given no such indication, the right to adopt shall follow the order of the seniority of the widows to whom authority has been granted, as determined by section 59.

(c) If he has neither authorised nor prohibited an adoption, the right to adopt shall follow the order of the seniority of the widows as determined by section 59.

(d) A widow having the right to adopt under clause (b) or clause (c) may renounce it in favour of the next senior widow by a registered instrument, if she does not so renounce it and if, without just cause, she either refuses, or fails within a reasonable time, to exercise her right when called upon to do so by the next senior or any other widow, the right shall pass to the next senior widow, mid so on down to the last widow in the order of seniority

(63)

59. Seniority among wives and widows.—For the purpose of this Part, seniority among the wives or widows of a person is determined by the order in which they were married to him, the woman who was married earlier being reckoned senior to the woman who was married later.

(64)

Part VI,
sec. 8,**60. Widow's right to adopt not exhausted by previous exercise.—**

A widow may, subject to the provisions of this Part, adopt several sons in succession, one after the death of another, unless the authority, if any, conferred upon her by her husband otherwise provides.

58. Right to adopt as between two or more widows.— Where a Hindu has left two or more widows with capacity to take a son in adoption to him, the right to adopt is determined as between them in accordance with the following provisions:—

(a) If he has granted to all or any of them authority to adopt, indicating the order of preference in that behalf, the right to adopt shall follow that order.

(b) If he has given no such indication, the right to adopt shall follow the order of the seniority of the widows to whom authority has been granted, as determined by section 59.

(c) If he has neither authorised nor prohibited an adoption, the right to adopt shall follow the order of the seniority of the widows as determined by section 59.;

(d) A widow having the right to adopt under clause (b) or clause (c) may renounce it in favour of the next senior widow by a registered instrument, if she does not so renounce it and if, without just cause, she either refuses, or fails within a reasonable time, to exercise her right when called upon to do so by the next senior or any other widow, the right shall pass to the next senior widow, and so on down to the last widow in the order of seniority.

Part VI, sec.
9, page 25.

(62)

59. Seniority among wives and widows.—For the purpose of this Part, seniority among the wives or widows of a person is determined by the order in which they were married to him, the woman who was married earlier being reckoned senior to the woman who was married later.

(63)

Part V,
sec. 10,
page 25.