

IMPLEMENTATION OF DIVORCE LAWS IN THE STATE OF GOA: A COMPARATIVE STUDY

Nagesh Sadanand Colvalker

Assistant Professor, V. M. Salgaocar College of Law, Miramar, Panaji, Goa, India

ABSTRACT

Law is an expression of Custom, Usage and Tradition which is not derogatory to human nature and popular modal codes. They say marriages are made in heaven. However, it is not true in all the cases. All marriages do not yield the same effect. For some, marriage becomes a living hell! To get out of the torturous situation of marriage 'Divorce' is one of the solution which is available to either of the spouses. With the change in the lifestyle of individuals and many other factors, the number of cases on divorce have increased tremendously. In this paper the author made a robust attempt to differentiate divorce laws applicable in India and its comparison with the State of Goa. This paper puts the light on the marriage law and also updates on the developments in the law of divorce over the years.

KEYWORDS: *Adultery, Contested Divorce, Cruelty, Conversion, Divorce by Mutual Consent, Desertion, Religious Institution*

Article History

Received: 27 Nov 2019 | Revised: 02 Jan 2020 | Accepted: 11 Jan 2020

INTRODUCTION

Marriage is the beginning of a family. All religions in the world, whether Hinduism, Islam or Christianity, give importance to marriage as one of the way of life of every individual. Family includes children and a marriage provides a secure environment for Procreation and raising children as compared to single parents. Marriages have major religious aspects according to most religious views.

According to Christianity, Marriage is considered as sacrament and permanent bond of living together.¹

Hinduism regards Marriage as a Samskara or Sacrament. One of the ten Samskaras through which the life of a well conducted Hindu progresses to its appointed end. Marriage was the only Samskara ordained for women as well as men, the sudras as well as the twice born.

According to **Article 1056** of Family Laws of Goa, Daman and Diu, When two persons of different sex come together in order to constitute a family legitimately, which is known to be made in the form of perpetual contract.²

The Latin word *divortium* which means to separate. Divorce means a permanent legally binding cessation of the bond of marriage. It is a Judicial declaration or legal process of dissolution of marriage. We can't say that Divorce is the

¹ See: Googleweblight.com, viewed on 05.02.2016

² See: Senior Advocate M.S. Usgaocar, 'Family Laws of Goa, Daman and Diu', Volume I, pg: 1

solution for all matrimonial disputes and can neither advise all to resort to the same as circumstances of each marriage differ. However it should be availed in unbearable situations where living together is worse.

All countries have different rules that govern divorce depending on their development, customs, religion, etc. But what is common to all is that, the sanction of the court is necessary for a divorce to be final.

Divorce granted by judgment become final for want of appeal. It may be applied for by one of the spouses or by both jointly. If the divorce applied by one of the spouses, it is called contested divorce and if applied by both the spouses jointly, it is called divorce by mutual consent.

Annulment and Divorce are completely different and should not be confused to mean the same. Annulment makes the marriage completely null and void whereas Divorce makes it de jure separation or legal separation or they can be de facto separation.

Position of Divorce in England

In ancient times the church, mosque, temple, etc. were considered more powerful than the King and marriage was solemnized by them. Hence even if there should be divorce, they preserved it as a right of these religious institutions. Divorce was a rare phenomenon that it was hardly even known that the church could grant divorce. The Church granted divorce only in extremely rare cases (like if there was significant cruelty) and even when they were granted, it was for the spouses to live apart and they were not allowed to remarry.

The matrimonial causes Act 1857 passed by the Parliament was the first Act which made Divorce possible in which general application of divorce law was laid down, however this option was available only to the upper class or the rich. For a woman to get divorce she had to prove that her husband had an aggravating factor of adultery such as rape or incest whereas the husband or men could file a petition in court on the basis of wife's adultery.

The Matrimonial Causes Act in 1937 made it possible for unhappy spouses to divorce on three more grounds i.e. Cruelty, desertion and incurable insanity, other than adultery. The Parliament apart from that also introduced a bar on divorcing of a couple for the first 3 years of the marriage before these allegations could be proved by oral evidence of the petitioner.

With the advent of the Second World War great changes came about in the social way of life. Neither the governments nor the religious institutions had answers to the increasing number of divorce and felt that divorce laws were no longer suitable for the purpose. Unhappy couples began using the law as a weapon wherein one spouse would arrange for another to go and commit adultery by booking a room in a hotel for a weekend and then use this ground to seek a divorce.

After a lot of thought, by the mid 1960's a report was prepared under the baton of Archbishop of Canterbury demanding for a reform in the law which would ensure that the general public could obtain divorce if they show that the marriage was not functioning and had broken down. The research by the law commission assigned by the government was conducted to develop laws which would be the most appropriate in the given situation so as to modernize divorce laws which led to the establishment of the Divorce Reform Act 1969 and which was later consolidated and made into the act passed in 1973 which contains the divorce law which we are even subject to today in the Matrimonial Causes Act 1973.

The Divorce Reform Act of 1969 enabled either party to get divorce on irretrievable breakdown of marriage but the breakdown must be proved by evidence on one of the following five points:

- Adultery
- Behavior
- Desertion
- Separation for two years and other spouses consent to divorce
- Separation for five years

In 1970's, special procedure was developed by the Courts i.e. 'Divorce-on-Paper' which simplified and made representation easier. Even today vast majority of divorce cases are represented in this manner.

Position of Divorce in India

India being a vast country, different laws apply to different religions. The divorce law also varies accordingly. There are even separate laws for inter-cast to inter-religion marriages. Along with the Hindus, Sikhs, Buddhists and Jains are also governed by The Hindu Marriage Act, 1955, as they do not have their own set of separate marriage and divorce laws.³

According to Derrett "divorce was introduced into Hindu Law for the protection of helpless women when they were ill-treated. It was never Parliament's intention to give husbands matrimonial variety at their option so long as they could retain a pleader."⁴

Section: 13 of Hindu Marriage Act, 1955;

- Any marriage solemnized, whether before or after the commencement of this Act, any on a petition presented by either the husband or the wife, be dissolved by a decree of divorce on the ground that the other party-
- Has, after the solemnization of the marriage, had voluntary sexual intercourse with any person other than his or her spouse, or
- Has, after the solemnization of the marriage, treated the petitioner with cruelty, or
- Has deserted the petitioner for a continuous period of not less than two years immediately preceding the presentation of the petition, or
- Has ceased to be a Hindu by conversion to another religion, or
- Has been incurably of unsound mind, or has been suffering continuously or intermittently from mental disorder of such a kind and to such an extent that the petitioner cannot reasonably be expected to live with the respondent."

Explanation – In this Clause

- The expression 'mental disorder' means mental illness, arrested or incomplete development of mind, psychopathic disorder or any other disorder or disability of mind and includes schizophrenia,

³www.theguardian.com, viewed on 15.02. 2016

⁴Prof. Kusum,' Family Law Lectures, Family Law I, 4TH Edition, Pg. 25

- The expression ‘Psychopathic disorder’ means a persistent disorder or disability of mind (whether or not including sub-normality of intelligence, which results in abnormality of intelligence) which results in abnormally aggressive or seriously irresponsible conduct on the part of the medical treatment, or
- Has been suffering from a virulent and incurable form of leprosy, or
- Has been suffering from virulent disease in a communicable form, or
- Has renounced the world by entering any religious order, or
- Has not been heard of being alive for a period of seven years or more by those persons who would naturally have heard of it, had that party been alive,

Explanation – in this sub-section, the expression ‘desertion’ means the desertion of the petitioner by the other party to the marriage without reasonable cause and without the consent or against the wish of such party, and includes the willful neglect of the petitioner by the other party to the marriage, and its grammatical variations and cognate expressions shall be construed accordingly]

- Either party to a marriage whether solemnized before or after the commencement of this Act, may also present a petition for the dissolution of the marriage by a decree of divorce on the ground;
- That there has been no resumption of cohabitation as between the parties to the marriage for a period of one year or upwards after the passing of a decree for judicial separation in a proceeding to which they were parties, or
- That there has been no restitution of conjugal rights as between the parties to the marriage for a period of [one year] or upwards after passing of a decree for restitution of conjugal rights in a proceeding to which they were parties.
- A wife may also present a petition for the dissolution of her marriage by a decree of divorce on the ground:
- In the case of any marriage solemnized before the commencement of this Act, that the husband had married again before such commencement or that any other wife of the husband married before such commencement of the marriage of the petitioner. Provided that in either case the other wife is alive at the time of the presentation of the petition, or
- That the husband has since the solemnization of the marriage, been guilty of rape, sodomy or bestiality, or
- That in a suit under section 18 of the Hindu Adoption and Maintenance Act, 2956 (78 of 1956), or in a proceeding under section 125 of the code of criminal procedure code, 1973 (2 of 1974) (or under the corresponding section 488 of the code of criminal procedure, 1898) (5 of 1898) a decree or order, as the case may be, has been passed against the husband awarding maintenance to the wife notwithstanding that she was living apart and that since the passing of such decree of order, cohabitation between the parties has not been resumed for one year or upwards,
- That her marriage, whether consummated or not, was solemnized before she attained the age of fifteen years and she has repudiated the marriage after attaining that age but before the age of eighteen years.
- *Explanation* – this clause applies whether the marriage was solemnized before or after the commencement of the marriage Laws (Amendment) Act, 1976 (86 of 1976)].

Grounds for Divorce

Adultery

Adultery means voluntarily entering into sexual relationship by a married person with the person who is not his/her spouse.

Even the most open-minded of societies consider adultery as a severe matrimonial drop and Law gives matrimonial relief to the aggrieved party.

Under sec 13 (1) (i) of Hindu Marriage Act, 1955 relief is given to both the spouses to file petition for Divorce on the ground of having sexual relations with another person than the spouse after the solemnization of marriage.

Cruelty

Cruelty means “behavior which causes physical or mental harm to another, especially a spouse, whether intentionally or not.”⁵

Blackstone was of the view that a husband had right to make his wife’s actions proper by even beating her, as per the old English Law.

Manu says the wife can be beaten by her husband only with a bamboo or with a rope in order that the bones shall not break.⁶

Section 13 (1) (I a) of the Hindu Marriage Act, 1955 states that on the ground of cruelty by the husband after the marriage is solemnized the wife can file petition for divorce.

Initially, Cruelty was confined only to have fear in the mind that it can be dangerous to stay with the other spouse, but now establishing the fact of treating the petitioner with cruelty is necessary.

In *Vishwanath Sitaram Agarwal v. Sarla*⁷ the Supreme Court stated that various factors can be responsible for cruelty such as social and cultural background, physical and mental state, extent of their married life etc. it can be in the form of mental or physical, direct indirect and could be infinite in its kind.

For ascertaining a case of cruelty *mens rea* is not important even deadly effects on the petitioner is enough to establish cruelty.⁸

Desertion

The term Desertion means willful leaving without consent by one spouse violating legal and moral obligations.⁹ Desertion is denial to stay together which is the most important element of marriage.¹⁰

⁵<https://www.google.co.in/search?q=meaning+of+cruelty&oq=meaning+of+cruelty&aqs=chrome..69i57.12368j0j4&sourceid=chrome&ie=UTF-8>

⁶*Id*, pg:63

⁷ AIR 2010 SC 2586 AT Pg:66

⁸ Prof. Kusum, Family Law Lectures, Family Law I, 4TH Edition, pg: 67

⁹ www.oxforddictionaries.com, viewed on 23rd February at 10:25 am

¹⁰*Id*,Pg: 96

The spirit of marriage is living together with each other and when spouses choose to live apart it amounts to its repudiation and this repudiation of the spirit of marriage is called as desertion in terms of law. When one spouse deserts the other spouse it becomes a ground for repudiation of marriage to the other one.¹¹

“The Apex court in Bipinchandra clearly brings out the following ingredients of desertion as a ground for matrimonial relief:

- Factum of desertion by deserting spouse.
- Animus deserendi or intention to bring cohabitation permanently to an end.
- Absence of consent to such separation by the deserted spouse.
- Absence of conduct reasonably causing the deserting spouse to form his or her intention to bring cohabitation to an end. If the spouse who withdraws from the other has reasonable excuse for so doing, he or she cannot be charged with desertion.
- The desertion must have continued at least for prescribed statutory period immediately before the presentation of the petition.
- The deserting spouse may put an end to desertion by coming back to the deserted spouse before the statutory period is over or even after that period, but before proceedings for divorce have been filed.
- If the deserted spouse unreasonably refuses the offer of the deserting spouse, then the latter will be in desertion and not the former.
- The offence of desertion has to be proved by the plaintiff who alleges desertion by the respondent.
- The offence of desertion commences when the fact of separation and animus deserendi co-exist. It is, however, not necessary that they should commence at the same time.
- The party leaving the matrimonial home may not necessarily be the one guilty of desertion. It is other party who creates a situation that impels the spouse to leave the house. This is known as constructive desertion. In this situation, it is the party who creates such situation who is guilty of desertion.
- To prove desertion in matrimonial cases, it is not always necessary that one of the spouse should have left the company of the other, as desertion could be proved while living under the same roof also”.¹²

Conversion

Article 25 of Indian Constitution guarantees freedom of conscience and free profession, practice and propagation of religion. Every individual follows a religion as an insightful aspect and every person has a right to convert from one religion to another. When a person changes his/her religion, personal laws also change and it gives the other non-converted spouse a ground for divorce.

However conversion does not merely change the personal laws by which he/she is to be governed but also changes his/her personality which effects the conjugal rights of the spouse.

After the amendment of 1976, conversion is included as a ground for divorce for the spouses.¹³ Only the non-convert spouse can apply for divorce on the basis of conversion.

¹¹ Prof. Kusum, 'Family Law Lectures, Family Law I, 4TH Edition, pg: 85

¹² *Id*, pg: 88

¹³ *Id*, Pg 97

Fraud

Consent of parties to the marriage, who are major in age, is an essential element for marriage. But if the parties are under age then the consent of the guardians is important. When two persons agree to marry, it is presumed that they are doing it with free consent. Consent obtained through fraud, misrepresentation of facts is not free consent. Every consent taken through fraud cannot be ground for divorce.¹⁴

When consent is obtained by fraud then that marriage can be dissolved on the ground of fraud. Sec 12(1) (c) states that fraud must be in case of marriage ceremony or some material fact regarding the spouse. A limitation period of one year is introduced after the discovery of the facts for the case to be filed.

Prior to the Amendment Act of 1976, marriage could be dissolved only if the facts of obtaining consent is through fraud during the marriage is performed was ascertained.¹⁵

Bigamy

Monogamy is prescribed in almost all personal laws and violation of such provisions leads to illegality of marriage. All statutes recognize monogamy as a rule.

According to Sec 5 of the Hindu Marriage Act, 1955, two Hindus can marry if the following conditions are complied with:

Firstly, at the time of marriage neither spouse should have spouse living.

Secondly, at the time of marriage both the spouses should give free consent and should be capable of giving consent, should not be unfit for marriage and procreation of marriage or should not be subject to regular attacks of insanity or epilepsy.

Thirdly, bridegroom should be of age 21 years and bride should have complete 18 years at the time of marriage.

Fourthly, unless the customs and usages governing allows, both the spouses shall not fall within the prohibited degrees of relationships.

Fifthly, unless the usages and customs allows both spouses shall not be sapindas of each other.¹⁶

Impotency

The lack of capacity to complete a marriage by an act of natural intercourse is called as impotency. According to Halsbury, impossibility to consummate a marriage due to mental or physical condition. "*In 42 Corpus Juris Secundum, the term has been held to be synonymous with 'incapacity for copulation or sexual intercourse'.*"¹⁷

Psychological reasons may also lead to this incapacity and a spouse might be having some disease, deformity, malformation, weakness and thus become incapable to perform marital obligations.¹⁸

¹⁴*Id*, Pg:104

¹⁵*Id*, Pg:105

¹⁶*Id*,Pg: 112

¹⁷*Id*,Pg :123

¹⁸*Id*,Pg :123

Under Hindu Marriage Act, 1955, Sec 12(1) (a) states that it should be a voidable marriage which has not been performed due to respondents impotence.¹⁹

Prior to the Marriage Laws (Amendment Act), 1976, the petitioner has to prove that impotency persists at the time of marriage till the filing of the proceeding. This means that the petitioner would not succeed if he was potent at the time of marriage and after marriage if he turns out to be impotent. Also, if after marriage he gets cured and becomes potent then the petitioner would not succeed. Impotency should be strictly proved as it questions the manhood or womanhood.

Mental Illness or Abnormality

Mental deficiency is another ground for dissolution of marriage.

Mental abnormality also can be entered after marriage between the spouse and this may lead to breakdown of conjugal happiness between the spouses.²⁰

“According to sec 5 (ii) of the Hindu marriage act, 1955, if either party to the marriage is:-

- Incapable of giving a valid consent to it in consequence of unsoundness of mind or,
- Though capable of giving a valid consent, has been suffering from mental disorder of such a kind or to such extent as to be unfit for marriage and the procreation of children, or
- Has been subject to recurrent attacks of insanity, then that marriage shall be voidable and may be annulled by a degree of nullity.”

Contagious or Incurable Diseases: Leprosy and Venereal Disease

Under the Hindu Marriage Act, 1955, as amended in 1976, if a party suffers from an incurable form of leprosy then it is a ground available for the spouse to seek divorce.²¹

Non-Resumption of Cohabitation after Decree of Separation

Another ground for divorce available is Non-fulfillment of the decree for restitution of conjugal rights or non-resumption of cohabitation after the decree of judicial separation.²²

Prior to 1964 only the spouses who have a judicial separation decree could file under sec 13 sub-section clause (viii) and (ix).²³

Pre-Marriage Pregnancy of Wife

Under Sec 12(d) it is a ground which is available to the husband whose wife was pregnant by some other person at the time of marriage.²⁴

¹⁹Id, Pg: 124

²⁰Id, Pg: 138

²¹Id, Pg: 147

²²Id, Pg: 152

²³Id, Pg: 152

²⁴Id, Pg: 164

Under the Hindu Marriage Act, 1955 there are four additional grounds available to a wife they are as follows:-

- Where the husband had married again before the commencement of the Act, and if that wife is alive at the time of the solemnization of the marriage with the petitioner wife then a wife is entitled to file a petition for divorce on such ground.
- If the husband has been responsible for rape or sodomy or bestiality, since the solemnization of the marriage then a wife is entitled to file a petition for divorce.
- After getting decree under sec 18 of the Hindu Adoption and Maintenance Act, 1956, there is no continuation to cohabit for more than 1 year or more and also after getting decree under sec 125 of the code of criminal procedure 1973, can be another ground on which a wife can file a petition for divorce
- Denial of marriage before attaining the age of 18 and after attaining the age of 15, is another ground for divorce.²⁵

Family Laws of Goa

In Goa, unlike the rest of India, Uniform Civil Code is applicable. As per Article 2 Family Laws of Goa for want of appeal divorce granted by Judgment considers to be final for want of appeal and it has same effect as dissolution of death and also relating to its properties as also their right to remarry.²⁶

Grounds of Divorce Available to the Spouses are

- If wife commits Adultery, then it is a ground for divorce to the other spouse.
- If husband commits Adultery, then it is a ground for divorce to the other spouse.
- If the spouse is being finally convicted to one of the Spouses to undergo major penalties provided under Sec 55 and 57 of Indian penal code.
- If any spouse suffers from serious injuries or there is Ill treatment by one of the Spouse, then it is a ground for divorce.
- Complete desertion of conjugal home for the period for three years or more but not less than three years.
- If spouse is being absent or nothing has been heard of absentee for not less than Four years.
- When at least three years have been passed and the spouse is suffering from Incurable disease or unsoundness of mind after its decree by judgment, become final for want of appeal according to Article 419 of the code of civil procedure,
- De Facto separation of spouses freely consented for more than Ten years, does not matter what is the cause of it.
- Chronic Vice or Constant involvement in gambling,
- Contagious or Incurable disease involving sexual aberration.

Dissolution of Marriage Act, 1939

Divorce is considered as the most miserable part of marriage and despised by Allah. It is considered as an exception in Islam. The Prophet had declared that divorce is most horrible and as far as possible must be avoided but it is fact that sometimes it becomes essential. When love and affections between the spouses get end there is no point in making them

²⁵Id, Pg :167

²⁶Senior Advocate M.S.Usgaocar, 'Family Laws of Goa Daman And Diu', Volume I, pg:73

forcefully live life with hate, it's good to allow them to separate from each other and live their own life.²⁷

The method of divorce that is triple statement of divorce and also in respect of their right to divorce their equality issues are the two main queries relating to Muslim law is to be taken into consideration. Misconceptions are more in Muslim laws and courts are also not free from them.²⁸

Union of the spouse is a social contract and it is impossible to serve the main motive of living together and they can be separated by divorce.²⁹

Grounds for Judicial Separation by Wife

The Husband is Missing for Four Years

If the location of the husband cannot be traced for the period of 4 years or more then under sec 2(i) wife can go to the court for divorce and sub section (b) states that for the period of six months decree will not have effect which is passed by the court as during this period if husband comes back or appear through representative and satisfies the court then court order is set aside.³⁰

The Husband's Failure to Maintain his Wife for Two Years

All the things which are required to live life such as food, clothes and shelter all includes in maintenance and if husband is unable to provide basics to wife for the period of 2 years then she is entitled to go to the court to ask for divorce under sec Unless the wife's behavior is such that she cannot be maintained husband have legal obligation to maintain his wife. Section 125 of the criminal procedure code, 1973 is different independent provision for maintenance of wives and is not same as provisions of Muslim laws.

Imprisonment of the Husband for Seven Years

Under section 2 (iii) read with provision (a) lays down that a wife is entitled to get her marriage dissolved by an order if her husband has been sentenced for 7 years or more. The wives right of judicial divorce on this ground begins from the date on which the sentence has become final so the decree can be passed in her favor only after the expiry date for appeal by the husband or after the appeal of the husband has been dismissed by the final court.³¹

The Husbands Failure to Perform his Marital Obligation for Three years

Under section 2 (iv) a wife is entitled to the dissolution of her marriage if her husband fails to perform his marital obligations for a period of three years without any reasonable excuse. The act does not define marital obligations of the husband. There are several marital obligations of the husband under Muslim law, but for the purpose of this clause only his conjugal obligations may be taken into accounts which are not included in any of the clauses of the section 2 of this act.³²

²⁷ Dr. Rakesh Kumar Singh, 'Muslim Law, pg: 110

²⁸ *Id* , Pg: 111

²⁹ *Id* ,Pg : 112

³⁰ *Id* ,Pg: 137

³¹ *Id* ,Pg: 138

³² *Id* ,Pg: 138

Impotency of the Husband

According to sec 2(v) of the Act, the wife has to prove the following two facts:-

- That the husband was impotent at the time of the marriage, and that he continues to be impotent till the filing of the suit.
- Before passing decree against husband on this ground, the court is bound to give to the husband one year's time to prove his potency provided he makes an application for it. Since the marriage the husband has no intercourse with her and therefore, she is still virgin would not entitle her to divorce unless it is proved that husband is incapable of cohabitation with her.³³

Husband's Insanity, Leprosy or Venereal Disease for Two Years

Under sec 2 (vi) wife can sue her husband for divorce if the husband has been insane for a period of two years or is suffering from leprosy or a virulent, venereal disease. The husband's insanity must be for two or more years immediately preceding the presentation of the suit but it is not specified if unsoundness of mind should be curable or incurable.³⁴

Repudiation of Marriage or Option of Puberty

Section 2 (vii) says that repudiation of marriage or option of puberty is not based on any 'fault' of the husband it is an independent provision, which makes marriage voidable at the option of wife. Wife is entitled to sue for dissolution of her marriage on the ground that:

She was given in marriage by her father or any other guardian before she attained the age of fifteen years,

The marriage had not been consummated, and that she had repudiated the marriage before she attained the age of eighteen.³⁵

Cruelty by the Husband

There is no difference in Muslim law on the issue of legal cruelty, between man and wife. The test of cruelty is based on universal and humanitarian standards by the husbands who would cause such bodily or mental pain as to endanger the wife's safety of health.

Under sec 2 (viii) (a) of the Act uses the words by cruel conduct even if such conduct does not amount to physical ill treatment. This language is wide enough to include all cases of cruelty, it would cover all types of misconduct or misbehavior, serious and not very serious on the part of the husband calculated to break spirit of the wife by physical or moral force which was systematically exerted on her to such a degree and to such a length of time resulting in undermining her health, it will amount to cruelty.

CONCLUSIONS

It has been noticed that over a period of time the number of divorce petitions filed by women are comparatively more than men. The reason could be that due to most laws being in favor of women, some may use the law as a weapon in their hands

³³ *Id*,Pg: 139

³⁴ *Id*,Pg: 139

³⁵ *Id*,Pg : 140

or the situation for woman is much more strenuous than that of men.

Divorce affects not only the spouses but also the children due to custody and related matters. Thinking thoroughly and not seeking a divorce for the abysmal and minutest of matrimonial disputes can reduce a lot many Divorces which will drastically bring down the Divorce petitions in the court thereby reducing the heavy cost of litigations and bringing down the menace of breaking of happy families and sufferings of happy living.

REFERENCES

1. *Usgaocar M. S., Family Laws of Goa, Daman and Diu, Volume I (4th Edition, Vela Associates, 2009)*
2. *Da Costa Mario Bruto, Law of Succession (Published by Mario Bruto Da Costa, Panjim Goa 1999)*
3. *Da Costa Mario Bruto, Matrimonial Regimes and Inventory (Published by Mario Bruto Da Costa, Panjim Goa 2000)*
4. *Afonso Ave Cleto, The 'Portuguese 'Law of Goa, Succession and Inventory, Published by Broadway Book Centre, Goa, 2009)*
5. *Translation by Ferro Miguel, Family Succession Law in Portuguese Civil Code of 1867:A 21 Century Approach,(AAF DL, Alameda da Universidade-1649-014 LISBOA,2008)*
6. *De Lima Doutor Pire and varela Douter Joao De Matos Antunes, Fundamental Concepts of Civil Law, (English Portuguese Bilingual Edition, printed by MIRANDELA-Artes Graficas, SA)*
7. *Kohli Hari Dev, Supreme Court on Hindu Law(Universal Law Publishing CO.Pvt.Ltd., 2010)*
8. *Nazare B.D. & Awasti S.K., Goa Law Digest, (Valsad Book House-Goa Law reporter, Panaji Goa,2014)*
9. *Constitutional Law of India, (4th Edition(reprint), Universal Law Publishing Co., New Delhi,2012)*
10. *Prasad V., Indian succession Act, (3rd Edition, Allahabad Law Agency, Faridabad(Haryana, 1999)*
11. *Chaturvedi Archana, Muslim women and Law, (commonwealth publishers, New Delhi 2004)*
12. *Chawla Monica, Gender Justice – Women and Law in India, (Deep and Deep Publications, New Delhi, 2006)*
13. *Sing Shiv Sahai, Unification of Divorce Law I India (Deep & Deep publications, New Delhi, 1993)*
14. *Mathew Babu and others, Cases and materials on family law-I (Revised Edition, National Law school of India University, Bangalore, Oct.1994)*
15. *Pandey J.N., The Constitutional Law of India, (50th Edition, Central law agency, Allahabad,2013)*
16. *Bakshi P.M., The Constitution of India, (11th Edition, Universal Law Publishing Co., New Delhi, 2011)*
17. *Myneni, S.R., Legal research Methodology, (5th edition, Allahabad Law Agency, Haryana,2012)*
18. *Noronha F.E., Portuguese Civil Code, 1867,(Published by F.E. Noronha, Padmavati Towers, Panaji Goa,2016)*