

PRACTICE TEST · LEGAL REASONING · CLASS 03

Divorce Grounds, Mutual Consent & the Wider Map

Fault & wife's grounds (s.13)

Mutual consent (s.13B)

Bars to relief (s.23) & allied laws

DATE	TOTAL MARKS	DURATION	MARKING	TARGET
_____	14	35 minutes	+1 / -0.25	≥ 10 / 14

OBJECTIVES

Lock down the fault grounds of Section 13(1), the special routes in s.13(1A) and s.13(2), and the two-motion mechanics of mutual-consent divorce under s.13B including the Amardeep Singh waiver. Recognise the bars in s.23 and place the neighbouring statutes — SMA, HAMA, HMGA and the Hindu Succession Act — on the family-law map.

INSTRUCTIONS

14 questions in three sections. Section A — direct concept MCQs. Section B — principle-application: apply ONLY the stated principle to the facts. Section C — a mutual-consent and allied-law cluster. Mark (A)/(B)/(C)/(D) in the right margin or on the OMR. No reference material or phones.

SECTION A · CONCEPT RECALL

Q 1-5 · 9 MIN

Q1. The minimum continuous period of desertion required as a fault ground for divorce under s.13(1) is:

- (A) One year (B) Two years
(C) Three years (D) Seven years

Q2. Which was removed as a ground for divorce by the Personal Laws (Amendment) Act, 2019?

- (A) Cruelty (B) Leprosy
(C) Adultery (D) Conversion

Q3. Divorce by mutual consent under s.13B requires that the parties have been living separately for at least:

- (A) Six months (B) One year
(C) Two years (D) Three years

Q4. In Amardeep Singh v. Harveen Kaur (2017) the Supreme Court held that the 6-month period under s.13B(2) is:

- (A) Mandatory in every case (B) Directory and capable of being waived
(C) Extendable to five years (D) Applicable only to the wife

Q5. Under the Hindu Succession (Amendment) Act, 2005:

- (A) Daughters lost coparcenary rights (B) Daughters became coparceners by birth, equal to sons
(C) Only widows can inherit (D) Sons inherit before daughters

SECTION B · PRINCIPLE APPLICATION

Q 6-11 · 16 MIN

- Q6. [PRINCIPLE]** A spouse may obtain divorce on proof that the other has treated the petitioner with cruelty.
[FACTS] Amir endures sustained physical and mental cruelty from his spouse and petitions for divorce.
Amir's petition is based on:
- (A) The mutual-consent route (s.13B) (B) A fault ground under s.13(1)
 (C) The breakdown ground (s.13(1A)) (D) A bar to relief (s.23)
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- Q7. [PRINCIPLE]** A petitioner may not be granted relief where they seek to take advantage of their own wrong.
[FACTS] Bhavna deliberately deserts her husband and then petitions for divorce relying on that very desertion as her ground.
Her petition will:
- (A) Succeed, as desertion is a valid ground (B) Be barred under s.23 for taking advantage of her own wrong
 (C) Succeed if two years have passed (D) Be converted into judicial separation
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- Q8. [PRINCIPLE]** Where a petitioner has condoned the other spouse's adultery, relief on that ground is barred.
[FACTS] Chetan forgave and resumed normal married life with his wife after learning of her adultery, then later petitions for divorce on that same adultery.
The petition will:
- (A) Succeed; adultery is a ground (B) Be barred, as the adultery was condoned (s.23)
 (C) Succeed only with her consent (D) Be allowed after one year
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- Q9. [PRINCIPLE]** Divorce by mutual consent requires that both parties freely consent and continue to consent at the second motion.
[FACTS] At the first motion Disha consents, but before the second motion she withdraws her consent.
The court should:
- (A) Grant divorce; the first consent is final (B) Not grant mutual-consent divorce, as consent must subsist
 (C) Grant divorce after six months regardless (D) Treat it as a fault divorce
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- Q10. [PRINCIPLE]** The 6-month period between the two motions in mutual-consent divorce is directory and may be waived where the parties have settled all disputes and reconciliation is impossible.
[FACTS] Esha and Farhan have lived apart for two years, settled alimony and custody, and tell the court reconciliation is impossible. They seek waiver of the 6-month wait.
The court:
- (A) Must refuse; the period is mandatory (B) May waive the period on these facts
 (C) Can waive only after three years apart (D) Must convert it to a contested divorce
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- Q11. [PRINCIPLE]** Welfare of the minor is the paramount consideration in deciding questions of guardianship and custody.
[FACTS] In a custody dispute, the father claims an absolute right as natural guardian regardless of the child's interests.
The father's claim is:
- (A) Correct; the natural guardian's right is absolute (B) Subordinate to the paramount welfare of the minor
 (C) Valid only for a male child (D) Decided solely by the mother

Q12. [PRINCIPLE] Mutual-consent divorce needs one year of living separately, mutual agreement, and two motions; the cooling-off may be waived.

[FACTS] A couple, separated for 18 months with all disputes settled, asks the court to dispense with the 6-month gap.

Which is correct?

- (A) Refused; mutual consent needs three years apart
(B) Allowed; one year apart suffices and the gap is waivable
(C) Refused; the gap can never be waived
(D) Allowed only after a separation decree
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Q13. [PRINCIPLE] A neglected wife, child or parent may claim maintenance; the remedy is a secular safety net available across communities.

[FACTS] Gauri, unable to maintain herself and neglected by her husband, seeks a quick maintenance remedy.

Her most direct route is:

- (A) Section 11 HMA (nullity)
(B) Maintenance under s.125 CrPC (now BNSS)
(C) The Special Marriage Act, 1954
(D) The Hindu Succession Act, 1956
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Q14. [PRINCIPLE] The Special Marriage Act, 1954 enables a secular civil marriage between any two persons, irrespective of religion, on notice and registration.

[FACTS] Hari (a Hindu) and Iram (a Muslim) wish to marry without either converting.

The most appropriate legal route is:

- (A) The Hindu Marriage Act, 1955
(B) The Special Marriage Act, 1954
(C) The Hindu Adoptions & Maintenance Act, 1956
(D) No marriage is possible without conversion
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