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does not refer to



**ASSIGN  
BUSTER**

The power to rescind the decree must be exercised with circumspection only to achieve the purpose of giving every opportunity to the parties for reconciliation whether the grounds pleaded is sufficient to make the case fit for rescission of decree comes after the court is satisfied about the truth of the averments made in the application. Similarly in the case of *S. Narasimha Bhandari v.*

*Vijaya Bai*, the court held that the statute does not refer to any specific grounds on which the decree for judicial separation can be annulled or rescinded. Section 10(2) of the Act however, empowers the court to rescind the decree for judicial separation if it considers it just and reasonable to do so. A party against whom a decree for judicial separation is passed cannot succeed in getting the decree rescinded, in the absence of other circumstances which justify an order of rescission to be passed, merely by saying that he or she is willing to rejoin and live with the other spouse. The Court may rescind the decree where— (i) The decree has been obtained ex parte, by showing reasonable excuse for his or her absence, (ii) The parties cohabited with each other after the decree was passed or they have resumed living together, (iii) The opposite party has condoned the offence, (iv) The opposite party has satisfied the court that he or she is willing to live as husband and wife and is not going to do any such thing in future on which judicial separation was granted.