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But if the conduct of the parties is incompatible with marital relationship, then no such presumption arises. The continual and prolonged cohabitation, which gives rise to the presumption of a valid marriage, should be of such a nature, and under such circumstances, that a reasonable inference is naturally drawn, that the cohabitation was as man and wife without obstacle or impediment to a valid marriage between the two. Thus, where a woman is admittedly a prostitute, no such presumption will arise. However, it is established that if a valid marriage was solemnized between the parties, then it is immatrial that before the marriage the wife was a prostitute. In Muslim Law presumption of marriage arises in the following three cases: (i) When prolonged continual cohabitation is established between the parties as husband and wife, who have no legal impediment against their marriage.

(ii) When the man acknowledges the woman to be his wife. (iii) When a man acknowledges a child as his legitimate off spring, then a presumption of valid marriage between the man and the mother of the child arises.