

"when without
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withdrawn from the
society



**ASSIGN
BUSTER**

“ When either the husband or the wife has, without reasonable excuse, withdrawn from the society of the other, the aggrieved party may apply, by petition to the District Court, for restitution of conjugal rights and the court, on being satisfied of the truth of the statements made in such petition and that there is no legal ground why the application should not be granted may decree restitution of conjugal rights accordingly.

” Thus under sub-section (1) of Section 9, the husband or the wife may get a decree for restitution of conjugal rights, where the wife or the husband, as the case may be:— (a) Has withdrawn from the society of the other, (b) Without reasonable excuse, (c) The court is satisfied of the truth of the statements made in the petition, and (d) There is no legal ground why the application should not be granted. The explanation added to the section provides that where a question arises whether there has been reasonable excuse for withdrawal from society, the burden of proving reasonable excuse shall be on person who has withdrawn from the society. Originally there was sub-section (2) also but the same was omitted by Marriage Laws (Amendment) Act, 1976.