

collusion exists between the parties and also to enable into any counterclaim which is made against the petitioner.

- (2) If the court is satisfied on the evidence that:
 - (i) the case for the petition has been proved; and
 - (ii) where the ground of the petition is adultery the petitioner has not in any manner been accessory to or has not connived at or condoned the adultery; or where the ground of the petition is cruelty the petitioner has not in any manner condoned the cruelty; 10
 - And
 - (iii) the petition is not presented or prosecuted in collusion with the respondent or either of the respondents;
- the court, subject to section eight, shall pronounce a decree of divorce, but if the court is not satisfied with respect to any of the aforesaid matters it shall dismiss the petition.

3. The court, notwithstanding the provisions of section seven, shall not be bound to pronounce a decree of divorce and may dismiss the petition if it finds that the petitioner has acted for marriage from a party of adultery or if, in the opinion of the court, the petitioner has been guilty—

- (a) of unbecomingly delay in presenting or prosecuting the petition; or
- (b) of acting towards the other party of the marriage; or 25
- (c) where the ground of the petition is adultery or cruelty of having without reasonable excuse deserted or having deserted from the other party before the adultery or cruelty commenced; or
- (d) where the ground of the petition is adultery or 30 unreasonableness of mind or desertion of such kind, neglect or abandonment as has been defined in the Act or unreasonableness of mind or desertion.

RESTITUTION OF DEBIT

14. Any husband or wife who alleges that necessaries 35 furnished to him or her by the other party to the marriage have been furnished to a third party to the detriment of the other party to the marriage shall be liable to restitution of the amount of such necessaries furnished to the third party to the detriment of the other party to the marriage. 40

(2) In any such proceedings the fact that for a period of seven years or upwards the other party to the marriage has been continually absent from the petitioner and the petitioner has no reason to believe that the other party

Prove
negate

What court
not bound
to decree
divorce

Restitution
of necessaries
furnished
to third party
to detriment
of other party
to marriage

Legal consequences