

UNRAVELING THE BARS TO MATRIMONIAL RELIEF: NAVIGATING HINDRANCES IN SEEKING MARITAL REMEDIES

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ABSTRACT

This research paper explores the complex landscape of bars to matrimonial relief, focusing on the legal obstacles that can impede the process of obtaining remedies in marital disputes. By examining various legal frameworks and case laws, this study aims to provide a comprehensive analysis of jurisdictional limitations, statutory timeframes, procedural irregularities, and equitable considerations that constitute these bars. The paper contrasts historical perspectives with contemporary legal positions to highlight the evolution of matrimonial laws. Additionally, it discusses potential reforms and alternative approaches that could enhance the fairness and efficiency of resolving matrimonial disputes. The paper also provides a global analysis, comparing matrimonial relief bars across different legal systems. This comparative perspective highlights how various cultural and legal frameworks influence the approach to matrimonial disputes, offering insights into diverse methods of addressing these challenges worldwide. This nuanced understanding is essential for legal practitioners, scholars, and policymakers in navigating and addressing the challenges inherent in seeking matrimonial relief. Through this research, the paper seeks to contribute to a more equitable administration of justice in family law by proposing solutions to mitigate the hindrances posed by these legal barriers.

Keywords: Family law, Marriage, matrimonial law, bars to matrimonial relief

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INTRODUCTION

Family law also called matrimonial law is the law which deals in regulating family relations it includes marriage, adoption, divorce, surrogacy, child custody, etc.. The matrimonial laws in India, including laws on marriage, divorce and other connected issues, are essentially governed by the personal laws of the parties depending on their religion, which are codified by statute in most cases.¹ But the special marriage act of 1954 is applied on all the religions.

The Hindu marriage Act, 1955 deals with the marriage of Hindus; it codifies the laws relating to Hindu marriages. It is basically to protect the rights of both parties involved in the Hindu marriage.

1. Matrimonial relief: matrimonial reliefs are the reliefs which are given by courts to the spouse against the other partner it include divorce, judicial separation, or restitution of conjugal rights. There are many matrimonial reliefs which our legal system provides to the spouse if the another partner has done something wrong, spouse can claim maintenance, get divorce, get child custody etc. Matrimonial relief is the solution to the one who is suffering from a frustrating marriage.²
2. Bars to matrimonial relief: It means to prohibit the person to take matrimonial relief from the court in some conditions we will discuss them further. Like respondent prove that the case comes under bars to matrimonial relief then the petitioner will not get matrimonial relief which is provided under section 9-13 of “The Hindu Marriage Act, 1955”. The petitioner has to prove the fault of the respondent as well as he have to cross all the bars mentioned in section 23 of “The Hindu Marriage Act, 1955”.

CONTEMPORARY POSITION

At one time, separation agreements between husbands and wives were considered contrary to public policy and invalid, particularly in ecclesiastical courts, where they were not seen as obstacles to matrimonial relief. However, these agreements were often recognized in the Courts of Common Law and Chancery, even by Lord Eldon, who frequently criticized them. Their

¹ “Family Law in India : Overview.” *Uk.practicallaw.thomsonreuters.com*, uk.practicallaw.thomsonreuters.com/6581-5985?transitionType=Default&contextData=%28sc.Default%29&firstPage=true.

² “Bars To Matrimonial Relief.” It's Better than Tinder, advocatetanwar.com/bar-to-matrimonial-relief/.

validity was ultimately confirmed by the House of Lords in the case of *Wilson v. Wilson*³. Despite the historical opposition to separation agreements as bars to matrimonial relief, the decision in *Wilson v. Wilson* marked a significant shift in legal recognition. Today, the contemporary legal landscape continues to evolve, reflecting more nuanced understandings of matrimonial agreements and their enforceability. Modern courts consider a variety of factors, such as fairness, voluntariness, and the welfare of any children involved, ensuring that the principles established in various cases remain relevant while adapting to current societal norms and legal standards.

As of now there are mainly eight bars to matrimonial relief they are:

Taking advantage of one's own wrong, Condonation, Connivance, Accessory, Improper and unnecessary delay, Collusion, Doctrine of strict proof, Other legal ground or reconciliation. But till now any major case of other legal ground never raised in front of court as most of the scenarios are covered in rest of the bars. These bars are created by the drafter so that no one can manipulate the law and the respondent get some relief if he is not the only wrong doer.

EVOLUTION AND DEVELOPMENT

The law was enacted as the law before that was immature and was not capable of solving modern day problems, so the new "The Hindu Marriage Act, 1955" was brought into consideration, which solved all the major problems. Bars to matrimonial relief were also created so that a petitioner cannot use his power or any evidence against the respondent if he himself is wrong. Before this many could demand for divorce, judicial separation, maintenance even when both are partly wrong like one partner is provoking other to beat him or her so that partner cannot get the right to divorce or maintenance as he himself is wrong. The main principle of the Hindu Law is to retain the relation of husband and wife as it is considered to be a sacred relation and we see that in bars to matrimonial relief also this principle is applied. Courts try to give parties some time so that they can reconsider the problems and can solve them. We can easily see that in the concept of judicial separation where the couple is not given divorce directly rather they are given a judicial separation for some time so that they can change their minds if they want. There is also one bar which is Reconciliation where courts give another date to the parties and before that they have to

³ *Wilson v. Wilson*, (1848) 1 H.L.Cas. 538.

go for reconciling so that they can sought out their problem in front of a reconciler and if not then they can take divorce. Divorce as an institution has been permitted in most countries for specific reasons.⁴ Although, it is also acknowledged that divorce contributes to weakening the norm of marital stability.⁵ Therefore, various procedures and mechanisms have been developed globally to keep the divorce rate under control⁶ and Bars to matrimonial relief is one of them.

One major principle which is applicable in the bars to matrimonial relief is one “who comes into equity must come with clean hands.”⁷ This means if you are coming to court for getting judgment in favor of you then you should be completely right if you yourself are wrong & were slightly involved in the wrongful act then the court may not give the judgment in your favor of you. This principle can be understood by the following case HOLY FAMILY CATHOLIC SCHOOL v. BOLEY⁸ in this case the respondent opened the account at pharmacy so that he can get medication for work related injury but he started misusing it and asking for medication not related to work related injuries so the respondent closed his account and the plaintiff sued him but the court stated that the plaintiff himself is wrong so he cannot claim any damage.

So here after analyzing the whole situation court gives their judgment so that every principle is followed and a non guilty may not suffer and the relation of husband and wife sustain if there are any chances of it. there is also a bar which states that if the judge thinks that the plaintiff is wrong in some way but it is not covered in any other bar to matrimonial relief, and it will be unfair for the respondent if the judgment comes in the favor of plaintiff then the court can use the bar “Other Legal Ground” and can prohibit matrimonial relief.

ANALYSIS

Bars to matrimonial relief are covered in S. 23 of HMA, 1955. There are mainly nine bars to matrimonial relief we will discuss them further. Here the burden of proof is on Plaintiff., i.e. the person who is complaining in court have to prove that the Pl. is wrong, id the court will be

⁴ Bertrand Russell, Marriage and Morals 221 (1929).

⁵ Kirpatrick, The Family as Process and Institution 577-582 (1963).

⁶ William J. Goode, The Family 92 (1965).

⁷ “Clean Hands Doctrine.” Legal Information Institute, Legal Information Institute, www.law.cornell.edu/wex/clean_hands_doctrine.

⁸ Holy Family Catholic School v. Boley, 847 So. 2d 371 (Ala. Civ. App. 2002)

having any doubt then the judgment will not be in favor of the Plaintiff. A decree passed in disregard of the bars is a nullity⁹ and all these bars are absolute bars and they are applied on various religions except Muslim law although they are uniform but they are slightly similar. But in HMA it is very clearly given in S.23. There are various DMC cases in which the court uses these bars to grant matrimonial relief to give judgments here are the nine bars:

1. Taking advantage of one's own wrong
2. Doctrine of strict proof
3. Accessory
4. Connivance
5. Condonation
6. Collusion
7. Improper & Unnecessary delay
8. Reconciliation
9. Other Legal Ground

So now we will discuss each of them with relevant case laws and some illustration

1. Taking advantage of one's own wrong

Acc. To this bar the court must satisfy itself that the issue for which the case is filed should not be b/c of some act of the petitioner or there is no involvement of the petitioner in the act. The petitioner should himself be not at fault & it is also not necessary that the petitioner is directly responsible for the act even if the act of petitioner indirectly affects the facts then also this bar will be applicable in that case. e.g. if husband is doing cruelty and then his wife left him then he cannot claim for conjugal rights as the act of the wife was a result of husband's act, and if wife stopped doing any work of home and she started abusing his husband and then husband done cruelty then wife cannot get matrimonial relief from court. Here petitioner has to show that he is not taking advantage of his own wrong. But for this bar there is an exc. which came in existence in amendment in HMA in 1976, acc. To this these clause does not apply to petitions for annulments of marriage on the ground of respondent's insanity as if the person is insane then

⁹ Anupama Misra v. Bhagaban Misra, 1971 SCC OnLine Ori 23.

spending whole life with him will be very difficult for the other partner and that's why court does not consider this bar in the case of insanity and give matrimonial relief

We can also refer to some case laws:

Hirachand Srinivas vs Sunanda¹⁰ in this supreme court case a couple was given a judicial separation as the wife committed adultery and the husband have to give some maintenance but he did not followed the order of court and after some time husband filed a case seeking for divorce on the ground that there is no relation but the wife took contested it with this bar as husband was himself wrong and not followed the court order so court accepted it and did not gave divorce.

AIR 1986 MP 57 Hargovind Soni vs Ramdulari¹¹ in this case to this bar was applied and divorce was not given here husband on instigation of his wife married another women then the gap between them wildness so they start to leave separately then the husband file the suit for divorce and put allegations on his wife for adultery but the court did not gave divorce.

Bai Mani V. Jayantilal¹² in this case also husband and wife were given judicial separation because of husband's adultery and after that also husband committed adultery and husband plead for divorce but the court refused as the husband was himself wrong.

Aldridge vs Aldridge and Scott vs Scott are also some English cases which are closely related to this bar to matrimonial relief.

2. Doctrine of strict proof

It also means Burden and Standard of Proof. The doctrine of strict proof is recognized under all matrimonial laws. Basically it tells that the burden of proof is wholly on the petitioner to prove all the grounds of matrimonial relief are fulfilled and court can refuse to give judicial separation if there is any doubt as it is clearly mentioned in Section 23(1) of HMA. In the landmark case Dastane V. Dastane¹³ it was decided that standard of proof not needed to be beyond all reasonable doubts, guilt can be proved by probabilities, basically petitioner has to prove the

¹⁰ Hirachand Srinivas Managaonkar v. Sunanda, (2001) 4 SCC 125.

¹¹ Hargovind Soni v. Ramdulari, 1985 SCC OnLine MP 109.

¹² Bai Mani v. Jayantilal Dahyabhai, 1979 SCC OnLine Guj 27.

¹³ N.G. Dastane (Dr) v. S. Dastane, (1975) 2 SCC 326.

grounds for matrimonial relief beyond a reasonable doubt and after this case cruelty was also added as the ground for divorce before that it was just a ground for judicial separation.

Hiralkali V. Avasthy¹⁴ in this case both the parties agreed for judicial separation but the court refused for so as it felt that there is violation of the doctrine of strict proof.

So, if even the court is not satisfied with the facts or proofs given by the petitioner and if there are in any doubt relating to the case then court can use this bar to pause the matrimonial relief.

3. *Accessory*

This bar is only applicable for the cases of adultery, and the literal meaning of the term accessory is active participation. Accessory basically means an act by a person in participating in the commission of an offence. The accessory has full knowledge of the offence. An accessory is a person who assists in the commission of a crime, but who does not actually participate in the commission of the crime.¹⁵ So the meaning of this bar is that when one party is actively participating in the wrongful act of another specifically adultery, then he cannot demand for matrimonial relief as here he himself is wrong. Here the participation of the petitioner should be knowingly and active participation then only this bar will be considered. Till date there is no such landmark case for accessory so we will understand it with help of an illustr. If husband is inviting men to his home for making physical relationship with his wife and taking money from them and after some time when he earned enough then he refused his wife to do so but till then the wife became habitual of doing it so she continued making physical relationships with another men so the husband filed a case on the ground of adultery for taking divorce but the court will not award any matrimonial relief to husband as there was his active participation in the adultery of his wife and just for the sake of earning money he done that that's why his matrimonial rights will be totally barred because of the Accessory. Even if the husband in not bringing men but helping his wife slightly of keeping watch while his wife was making physical relation with someone else then also this bar will be applicable as it will be considered as active participation.

¹⁴ Hirakali v. Dr. Ram Asrey Awasthi, 1970 SCC OnLine All 115.

¹⁵ Johnson v. State, 290 So. 3d 1232 (Miss. 2020).

4. *Connivance*

Connivance is a bar to matrimonial relief only applicable for the offence of adultery. The term Connivance is originated from the word connive it means “to wink at”.¹⁶ It means to give anticipatory willing consent, it is same as accessory just the difference is that here there is no active participation here there is just a corrupt intention and expressed or implied consent.

In connivance the knowledge of the crime to the petitioner is necessary and if the intention is proved then the petitioner is not entitled to get any matrimonial relief. *K.j. v K*¹⁷ in this case petitioners voluntary act encouraged the respondent to commit adultery so court stated that it amounts to connivance as there was knowledge, and implied consent for the act. Court also said giving permission one time is enough to prove connivance this defense cannot be made that the petitioner only gave permission one time so the adultery done after that should be the ground to get matrimonial relief, respondent just has to establish consent for one time. But court also stated that just negligence, mere intention, or apprehension should not amount to the connivance.

Like if friends of wife are at home and are trying to make physical relationship and the husband sees it and leave the house letting them free to do whatever they want then it will be considered as implied consent and if now the wife commit adultery then the husband cannot file a case demanding matrimonial relief if he had not done anything to stop them he just acted normally and went out so this bar will be applicable as the consent and knowledge established.

Even if husband asks wife that can he make physical relationship with some other women for some money and the wife agrees and then the husband commits adultery with many women then also wife cannot claim for matrimonial relief as she gave permission one time for performing such act and there was consent and knowledge.

5. *Condonation*

In HMA condonation is applicable on the offence of cruelty and adultery only, and it has two essential components first is forgiveness and second is reinstatement. It means if there is any act

¹⁶ “Family Law ii_bars to Matrimonial Reliefs.” Family Law II_Bars to Matrimonial Reliefs, www.lawnotes.co.in/2020/05/family-law-iibars-to-matrimonial-reliefs.html?m=1.

¹⁷ *K.J. v. K.*, 1951 SCC OnLine MP 37.

of cruelty or adultery then the petitioner should not forgive the respondent and carry on life as normal like nothing happened, it is very necessary that the relation between the couple should be restored as it was before the act of cruelty or adultery. and if both things are done then petitioner cannot claim for matrimonial relief, this happens if the petitioner wants to give second chance to their relationship but afterwards claim for matrimonial relief. But it should also be noted that if once an offence is done and the petitioner forgave it but afterwards the respondent again did that offence and then petitioner filed case then condonation will not be applied as this can be revived again.

Dastane V/s Dastane¹⁸ in this case the husband who was petitioner was suffering from the ill treatment from his wife but was living with her from some time but after some time he filed a petition for judicial separation on the grounds of cruelty but just few months back he filed the case his child of marriage was born the court considered that sexual intercourse between the couple is the sign of forgiveness and reconciliation. So the court rejected the plea for judicial separation.

Roberts v Roberts in this case court says that if the forgiveness is taken by fraud or misinterpretation then it will not be considered as condonation. Handerson v Handerson¹⁹ this case states that condonation cannot be revoked. Candy v. Candy²⁰ it states that after a sufficient amount of time if the respondent repeats that offence then condonation will not be applied and matrimonial relief will be given to petitioner.

Hearn v. Hearn²¹ in this case there was a couple and one partner committed adultery after that they lived for 10 years together but there was no intimate relation between them but then also the court did not give matrimonial remedy as living for ten years together will be considered as forgiveness and reinstatement. Chintalapudi Sathiraju vs Chintalapudi Lakshmi²² here the husband was having the knowledge of the act done by wife and condoned her so the court rejected the plea for divorce. Chandra Mohini Srivastava vs Avinash Prasad Srivastava & Anr²³

¹⁸ *Id.* at 10.

¹⁹ Henderson v. Henderson, 134 N.J. Eq. 363, 35 A.2d 686 (N.J. 1944).

²⁰ Candy v. Candy, (1965) 1 All ER 245.

²¹ Hearn v. Hearn, (1969) 2 ALL ER 417.

²² Chintalapudi Sathiraju v. Chintalapudi Lakshmi, 1993 SCC OnLine AP 606.

²³ Chandra Mohini Srivastava v. Avinash Prasad Srivastava, 1966 SCC OnLine SC 57.

in this case husband demanded divorce on the ground adultery but the wife proved that after that they had sexual intercourse so the court considered it as it is the sign of forgiveness and reinstatement and rejected the plea of divorce.

We can also take an example that if husband caught the wife doing adultery and in evening they went out for dinner, watch movie, and slept together then the court will observe it as clear sign of restoration and the court will apply condonation.

6. Collusion

Collusion is a kind of agreement if we say it more informally; it is an understanding between the parties²⁴ it basically means that there is a presence of some secret understanding between the petitioner and the respondent. It is bar to all the matrimonial relief, and the duty to prove that there is no collusion is on the petitioner. If the parties get involved in an agreement suppress the facts or easy the process of getting a matrimonial relief like divorce then this will amount to collusion and the court has right to use this bar to stop the matrimonial relief and it can be expressed or implied between both the parties or their agents who are acting on their behalf. Many times party do such offences to get matrimonial relief faster like in India to get mutual divorce parties have to show that they are living separately for 1 year so if a couple wants divorce they can manipulate the facts and then can get divorce easily but if court somehow get to know that then court can refuse to give divorce as it will amount to collusion. Another e.g. can be like if a couple wants to get divorce quickly so they decided that wife will file a case of cruelty and husband will accept it so they will get divorce quickly but court will not grant divorce as it is the case of collusion. One more will be that if husband wants divorce so he convince the wife that I will give you extra maintenance and some extra money outside the court you just accept that you want divorce then also it will amount to collusion.

7. Improper and unnecessary delay

This bar basically means that there should not be unnecessary gap between the filing of case and the actual offence; here the burden of proof to show that there is no improper and unnecessary

²⁴ Licitgist. "Bars to Matrimonial Relief." LicitGist, 26 Apr. 2021, licitgist.in/bars-to-matrimonial-relief/.

delay is on petitioner. It is not like that their cannot be a gap between the offence and the filing of the petition but it should be reasonable and if not reasonable them it should be explainable like there should be a proper reason given by the petitioner that why he or she is filling the case now. Like if there is a case of cruelty in 2005 and the petitioner is filling a case in 2018 than it is a unreasonable gap so if the petitioner can give a proper reason for that gap then it can be considered and if not the plea will be rejected on the basis of this bar.

*Shanti Devi vs Ramesh Chandra Roukar And Ors.*²⁵ In this case there was unexplained delay of 10 years between the actual offence and filing a complaint for restitution so the court asked for the explanation but the petitioner was unable to give that so the court used this bar and did not provided restitution.

*Nirmoo vs Nikka Ram*²⁶in this case the wife was living separately and there was no intention to give divorce to the husband but after 11 years the father of the wife died and all the property of the father was received by the wife as she was the only child so after husband got to know that in the greed of getting that property he started forcing and beating his wife to come and live with him so the wife filed the petition for divorce and the court granted it as the explanation given was acceptable.

8. Reconciliation

The basic principle of the Hindu Law is to sustain the relation of husband and wife and the court tries its best to do that as in our culture it is considered as sacred relation. So, if there is any petition filed for divorce then the court gives the party an another date and direct them to a mediation center where they have reconciliation if the issues between them are solved which is tried in mediation center then the court closes the case and the couple can live their life happily and if the issues between them are not solved then the court allows the divorce on next date. Here the court cannot completely bar the matrimonial relief but can just put hold on it till next date.

²⁵ *Shanti Devi v. Ramesh Chandra Roukar*, 1967 SCC OnLine Pat 99.

²⁶ *Nirmoo v. Nikka Ram*, 1968 SCC OnLine Del 38.

9. Other legal ground

This bar is not till date used in any of the cases but it was just for that if judge after reading the facts realize that divorce or any other matrimonial relief should not be given to the petitioner as there is something wrong then the judge can use this bar to do so. It is just a general bar and applicable for all matrimonial relief. The judge can apply his learning from cases in India Abroad and can use his rational judgment.

COMPARATIVE ANALYSIS

Bars to matrimonial relief is a law which bars the court to give matrimonial relief to the petitioner so there is no much difference in different religions as this basic principle of all the personal laws is that one who comes to court for equity should come with clean hand so the bars are mostly same in all the personal laws there is slight non uniformity. The difference is just that in some religion they are applicable to all matrimonial relief while in some religion it is applicable to some matrimonial relief. All the personal law Hindu marriage act, Special marriage act, Divorce act and Parsi marriage and divorce act the bars are same but their applicability for different matrimonial offences is different. But in Muslim law these bars are not present at all²⁷. So here we will compare Hindu law and Parsi law, Doctrine of strict proof, taking advantage of one's own wrong or disability is same in both the religion but for Accessory and Connivance they are general bar in Parsi marriage and divorce act but if we compare it with Hindu marriage act it is a bar for just cases of adultery. Condonation is a general bar in Parsi law but in Hindu law it is for adultery as well as cruelty. Collusion is bar to all matrimonial relief in Parsi law and after the marriage laws amendment in Hindu marriage act collusion was abolished as a bar to the petitions of declaring marriage null and void. But under divorce act collusion is a bar to all matrimonial relief. Under Indian divorce act delay is only a bar to matrimonial relief of divorce but in Hindu marriage act, Parsi marriage and divorce act and Special marriage act it is bar to all matrimonial relief. Rest bars are same under all the personal laws.

If we compare the bars to matrimonial relief of India with other countries then it will show so many dissimilarities as the culture of every nation is different in India the relation of husband is

²⁷ Ameer Ali, Mohammedan Law II 471 (1985).

considered to be a sacred relation and it is tried at best to restore it so we see the bar of reconciliation in India where court direct couple to mediation centre to strengthen their relationship, but in many other countries like Britain, USA, taking Divorce is not a much difficult task in India we have to show that a couple is living for more than 1 year to get the divorce, but in other countries the case is different. Like collusion is the bar in English law just for the relief of divorce while in India it is a bar to all matrimonial relief. Unnecessary delay is not at all a bar in English law while in India it is a bar to all matrimonial relief.

CONCLUSION

Marriage is a very complex issue our law have provided many matrimonial remedies to the person who is suffering but there is a strong need of bars so that one who is superior and have knowledge of all the matrimonial remedies cannot take wrongful advantage of the remedies given by court for the betterment of the public. If husbands and wives had the freedom to terminate their marriage at will, marriage would become merely a contractual relationship, disregarding the interests of the community.²⁸ In Hindu law, marriage has traditionally been viewed as a sacrament (samskara), a sacred duty, and hence considered indissoluble. This perspective reflects the cultural and religious significance attached to marriage within Hindu traditions, emphasizing its sanctity and lifelong commitment.²⁹ So because of that our law makers also formulated some laws which can stop the matrimonial relief if the petitioner is wrong or if petitioner is not worthy to get it or there is some wrong intention of the parties involved. Our whole legal system is made by keeping in mind that the innocent should not suffer and the bars to matrimonial relief is the great example of it the law makers have kept every situation and possibility in their mind so that no one can take advantage, some matrimonial relief are even such that no case of that bar to matrimonial relief came across through the court but the court is ready with that, by this we can see that the court is prepared for future that even if in future some party wants to take any matrimonial relief while being wrong himself then the court can put a bar on it. The last bar which is other legal ground also gives freedom to judge to use his rational judgment like if any of the bar is not applicable but the judge have doubt that the

²⁸ Report : 1951-1955, 15 Cmd. 9678.

²⁹ Mayne, Hindu Law 101 (11th ed. 1953); 1 Cambridge History of India, 88; Kane, 2 History of Hindu Dharam Shastras All (Part 1).

petitioner is wrong then he can use this bar after analyzing the facts of the case thoroughly. So at last just that bars to matrimonial relief is important part of family law as if bars were not present then many of the superior people might have used the rules of matrimonial relief to fill their pocket and for their benefit but because of such bars it is very difficult to fool the court. The bars to matrimonial relief are not properly specified in Hindu Marriage Act, they all are just given under one section in the Hindu marriage act, so it should be amended and should be clearly written point wise most of the bars are interpreted by the case laws they are not given distinctly and properly in the Hindu Marriage act. The last bar which is Other legal ground should be clarified it is a very wide term and cannot be understood by general public and it can also be used any way by the judge the intention of the judge can be corrupt and he can use this bar as it is a very vast and no clear definition is given. In Muslim law there are no bars to matrimonial relief so with an amendment they should be inserted in the Muslim law as it is a very necessary and stops the petitioner to take matrimonial relief wrongfully. Reconciliation should be removed like if the couple wants divorce then they should not be forced to government to mediation center and solve their problems, if they will they should get divorce. Accessory and Connivance should also become general bar for matrimonial relief, at present it is only bar for adultery. As if there is active participation of petitioner in any other offence other than adultery then also the respondent should get relief as there was active participation. Improper and unnecessary delay is very unpredictable in some cases 10 years is considered as unnecessary delay in some cases 11 years is considered as proper, so it should be codified that what reason can be considered for the delay and how much time should be considered.