

# A Study on Restitution of Conjugal Rights and it's Usage to Avoid from Divorce

Mohammed Thauheed R<sup>1</sup> and Revathy Rajendran<sup>2</sup>

BA. LLB(HONS)<sup>1</sup>

Assistant Professor (B.Sc, M.A, M.L)<sup>2</sup>

Saveetha School of Law, Saveetha Institute of Medical and Technical Sciences (SIMATS), Chennai

mohammed132003@gmail.com and revathyr.ssl@saveetha.com

**Abstract:** *In this article we will study about restitution of conjugal rights. Conjugal Rights refers to those rights which are accrued upon the persons by status of being married. There has been a constant debate relating to the constitutionality of restitution of conjugal rights. This decree ensures that the person can force his partner to live with him or her against that partner's will. Concept of Restitution of Conjugal Rights is a consequence of a legal and a Valid marriage. So, what do we mean by Conjugal Rights? Conjugal Rights refers to the rights of the parties of a marriage to stay together. Thus, the concept of Restitution of Conjugal Rights raises the question that if one of the parties withdraws from the society of the other party, then the act of compelling that party to live with the other party is constitutional or unconstitutional? The courts have answered it in number of cases, it was first declared as unconstitutional in case of T Sareetha Vs T Subbaiha but now in the cases of Harvinder Kaur Vs Harminder Singh and Saroj Rani Vs Sudarshan Kumar Chadha, the court has taken a u turn and has declared it as constitutional and a positive relief.*

**Keywords:** Conjugal rights, Marriage, Divorce, family, society

