



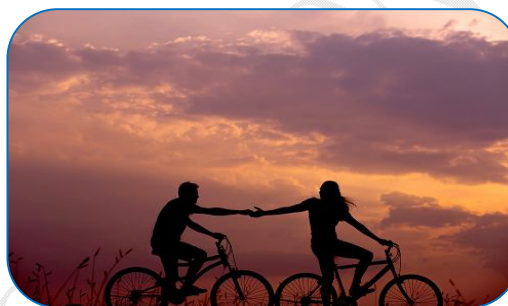
LIVE-IN RELATIONSHIP: A CRITICAL ANALYSIS

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ABSTRACT :

India is a country of traditions and values where marriage is regarded as a sacrament but as we have reached in this globalized era ,sudden change has also been seen in the relationships .Now couples do not hesitate to live together without marriage termed as 'live-in relationships' which is is neither recognized by The Hindu Marriage Act, 1955 nor by The Criminal Procedure Code, 1973, nor by The Indian Succession Act 1925. Although such relations are not socially acceptable but courts have given their opinion in its favour so as to prevent its misuse.In this paper author has discussed the impact of such relations on society, live-in partners ,the child born out of it ,their status and the relief to the aggrieved party. Such relations are speedily digging its roots deep into our society .Therefore to meet this challenge a legislation is required to maintain a balance in the society.



KEYWORDS : Live-in Relationship, Reasons for growth, status of such relations in other countries, Judicial approach, need for legislation.

What is live-in?

"The live-in relationship is a living arrangement in which an unmarried couple lives together in a long term relationship that resembled a marriage. In everyday parlance, it is cohabitation. This is a relationship in the nature of marriage but unlike a marriage." ¹A change is visible in our society from arranged marriages to love marriages and now to 'live-in relationships'. The reason for inclination towards such relationships may be avoiding responsibility, lack of commitment, the disrespect of social bonds and lack of tolerance in relationships. In India live-in relationships are often seen as a taboo and a sin. It is still not wholly acceptable by the people because such relations do not have any certainty and it is used as a tool to exploit the females sexually and later on leave them. In marriage there are certain rights and obligations. There are laws to provide remedies for disputes arising out of wedlock in different religions. Apart from maintenance under personal laws, Sec. 125 Cr.P.C. also provides for maintenance inter-alia a wife who is unable to maintain herself. So there are different laws relating to marriage, maintenance and succession whereas 'live-in-relationship' is neither recognized by the Hindu Marriage Act, 1955 nor by the Cr.P.C.,1973 nor by the Indian Succession Act,1925.²

REASONS FOR THE GROWTH IN LIVE-IN-RELATIONSHIP:

1. Independent, educated and professionally employed youth live far away from home and spent most of their time in offices, thereby intending to cohabit rather than marry to avoid liabilities thereby retaining their single status and financial independence.
2. Such relationships are taking place mostly in metropolitan cities where the cost of accommodation is high.
3. Such relationships are free from any social and family control.
4. Increased number of divorce cases have also created a fear of compatibility in marriage in the mind of the youth.
5. There is a lack of commitment and tolerance and also disrespect of social bonds have given rise to alternatives to marriage.
6. Couples want to test their compatibility or to establish financial security before marrying.
7. If couples are of same sex or from inter-religious background who cannot enter into a legal marriage, they prefer for such live-in-relationship.
8. Some individuals see their relationship as a private matter and not to be controlled by political, religious or patriarchal institutions.

Although there is no specific law relating to live-in-relationship but recently there has been demand to enact law on it so as to protect the interest of women and child born out of it. Since Art.21 of the Constitution of India guarantees 'right to live' i.e. right to live with a person of one's choice but in a society like India where marriage is considered as a sacrament, where person relating to hetero-sexual nature can live legally only after marriage which has social acceptance also and if they live together without marriage such relations are not accepted by the society and the individuals do not get the same rights which a legally married couple gets. So there are many social and legal issues involved with regard to the live-in-relationship which are discussed below:

1. DEFINITION OF LIVE-IN-RELATIONSHIP

There is no legal definition of live-in relationship. However the expression 'Relationship in the nature of marriage' which is included within the definition of 'domestic relationship' has been defined in the PWDVA 2005 as follows: 'Domestic Relationship'³ means a relationship between two persons who live or have, at any point of time, lived together in a shared household when they are related by consanguinity, marriage or through a relationship in the nature of marriage, adoption or are family members living together as a joint family. The term relationship in the nature of marriage seems ambiguous. But on October 21, 2010 a two judge bench of SC comprising Justices Markandey Katju and TS Thakur in *D. Veluswamy v. D. Patchaiamma*⁴ ruled that in their opinion not all live-in-relationship will amount to a relationship in the nature of marriage to get the benefit of the PWDVA, 2005. Merely spending weekends together or a one-night stand would not make it a 'domestic relationship'. If a man has a 'keep' whom he maintains financially and uses mainly for sexual purposes and/or as a servant it would not be a relationship in the nature of marriage. It means many women who have a live-in relationship would be excluded from the benefit of PWDVA and only those who have lived significantly for a long time and hold themselves out to the world as spouses would get benefit.

2. Another challenge which emerges from the live-in relationship cruelty envisaged under section 498A IPC which seeks to protect wife against dowry related harassment and cruel and inhuman treatment inflicted by husband or her relatives.
3. Another crucial point is whether a live-in woman is entitled to claim maintenance from her live-in partner, in case he neglects to look after her well-being. Sec.125 Cr.P.C. grants right of maintenance to wife only under specific circumstances and does not extend in favour of any other woman though not legally and validly married but living as a wife.

4. Status of a child born out of live-in relationship is also one of the serious issue. Under Hindu Law the rule of legitimacy is dependent upon the marriage. The social status of children is determined by the act of their parents. If they have entered into a valid marriage, the children are legitimate, but if the parents perform invalid marriage or a child is conceived even without entering into relationship of marriage the children born out of it are labelled as illegitimate.⁵

5. It is also not clear whether live-in-relationship applies only to unmarried female. What happens or what is the status of a woman who lives with a man in another city, who is already married about which she is totally unaware. Whether she will be termed as a 'mistress' or she will get the benefit of having live-in relationship for a sufficient time? What would be the status of her children?

STATUS OF 'LIVE-IN-RELATIONSHIP' IN OTHER COUNTRIES:

In France, a Civil Solidarity Pacts known as "pacte commun de solidarite (PACS articulated: gone by the French Parliament in November 1999) that enables couples to go into an association by marking under the steady gaze of a court assistant. It is an authoritative structure which ties "two grown-ups of various genders or of a similar sex, so as to sort out their joint life" and enables them to appreciate the rights agreed to wedded couples in the zones of salary assessment, lodging and social welfare. The agreement can be repudiated singularly or reciprocally subsequent to giving the accomplice three months' notice recorded as a hard copy. Starting at 2013, PACS stays accessible to both-same and inverse sex couples after marriage and reception rights were made legitimate for same-sex couples.

In China, couple can sign a contract for live in relationship. The rights of a child are secured as a child born outside the wedlock has the same benefits as enjoyed by the child born under a marriage.⁶

The laws of Ireland and Australia also recognizes live in relationship. The family law of Australia recognizes —de facto relationship between couples, while in Ireland the impetus is towards greater recognition to live in relationship as there has been demand for right to maintenance by separated live in couples.⁷ In Ireland Cohabiting couples do not possess the same legal rights and obligations as married couples or civil partnerships in Irish law. This has important implications for a number of areas in one's life - including inheritance rights, property ownership, custody and guardianship of children, adoption and fostering. There is a redress scheme for cohabiting couples who have been in a long-term cohabiting relationship.⁸

The Family Law (Scotland) Act 2006 presented new rights and a commitment concerning living together couples (The live in connection). Segment 25 (2) of the Act hypothesizes that an official courtroom can consider an individual as a co-habitant of another by keeping an eye on three parameters; (a) the length of the period amid which they lived respectively, (b) the nature of the relationship amid that period and (c) the nature and degree of any money related courses of action, subsisting or which subsisted amid that period. If there should arise an occurrence of breakdown of such relationship, under Section 28 of the Act, a companion has the directly to apply in court for money related arrangement on the end of the living together —otherwise by reason of death – for example partition. In the event that an accomplice bites the dust intestate, the survivor can move the court for money related help from his bequest inside a half year.

Canada recognizes live in relationship as —Common Law Marriage.⁹ A recent ruling in B.C. that grants common-law partners the same fundamental rights as married couples after two years of cohabitation has cast a light on how common-law couples are treated. The presence of children can significantly affect the way a common-law relationship is viewed in the eyes of the law in other provinces.¹⁰

In the UK, live-in-couples do not enjoy legal benefits and status which are granted to married couples. People in such a relationship are literally free from all legal bindings. Partners do not have inheritance right over each other's property unless named in their partner's will. State pension is available to the wives and civil partners (for same-sex couples who have legalized their status) of those who have retired after April 2010 is not similarly applicable to partners who live-in. Bereavement Allowance that is available to widowed spouses is also not available to live-in partners who have lost their mate¹¹ However, the law seeks

to protect the rights of a child born under such relationship. Both parents have the onus of bringing up their children irrespective whether they are married or cohabiting.¹²

In Philippines, live in relationship is perceived, and it oversees the property relations by the standards on equivalent co-proprietorship, under Chapter-4 "Marital Partnership of Gains", Article 147 (family Code). Philippines gives that where a man and a lady who are capacitated to wed one another, live solely with one another simply like a couple, yet without the advantage of marriage (or when the marriage is void). In such a circumstance, property gained by both the life partners through their work, their wages and compensations will be possessed by them in equivalent offers which will be represented by equivalent co-proprietorship rule.

In USA concept of Palimony' (maintenance to woman who having live-in-relationship) in a state of flux. In *Velusamy vs. D. Patchaiammal* (Decided by: Markandey Katju and T.S. Thakur, JJ)¹³ the Supreme Court examined trend of trying to apply or observe if the concept of —palimony which arises out of the famous case of *Marvin v. Marvin*¹⁴ and *Taylor vs. Fields*¹⁵ in California Supreme Court can be applied in India as well .

"24. In USA the explanation 'palimony' was sired which suggests permit of help to a woman who has lived for a huge time span with a man without wedding him, and is then deceived by him (see 'palimony' on Google). The primary decision on palimony was the eminent decision of the California Superior Court in Marvin versus Marvin. This case related to the eminent film on-screen character Lee Marvin, with whom a lady Michelle lived for quite a while without wedding him, and was then sold out by him and she stated palimony. Thusly in various decisions of the Courts in USA, the possibility of palimony has been considered and made. The US Supreme Court has not given any decision on whether there is a genuine specifically to palimony, anyway there are a couple of decisions of the Courts in various States in USA. These Courts in USA have taken disparate points of view, some yielding palimony, some denying it all around, and some giving it on explicit conditions. From now on in USA the law is still in a state of improvement on the straightforwardly to palimony.

"25. Although there is no statutory basis for grant of palimony in USA, the Courts there have granted it have granted it on a contractual basis. Some Courts in USA have held that there must be a written or oral agreement between the man and woman that if they separate, the man will give palimony to the woman; while other Courts have held that if a man and woman have lived together for a substantially long period without getting married, there would be deemed to be an implied or constructive contract that palimony will be given on their separation."¹⁶

LIVE- IN- RELATIONSHIP UNDER INDIAN CONTEXT:

The Fundamental directly under Article 21 of the Constitution of India awards to every one of its natives "directly to life and individual freedom" which implies that one is allowed to experience the way one needs. Live in relationship might be unethical according to the moderate Indian culture however it isn't 'unlawful' according to law. In case of Khushboo , the south Indian actress who endorsed pre-marital sex and live in relationship , 22 criminal appeals were filed against her which the Supreme court quashed saying that how can it be illegal if two adults live together .But the problem is not limited only to the legality of the relationship but now people are coming up about the rights of the live in partners and the status of children born out of such wedlock. The Hindu Marriage Act ,1955 gives the status of legitimacy to every child ,irrespective of birth out of a void ,voidable or valid marriage. However, they don't have property and maintenance rights. In case the couple break up then who would maintain the child in case none wants to take responsibility remains a big problem. The status of a female partner remains vulnerable given the fact she is exploited emotionally and physically during the relationship. The Domestic Violence Act provides protection to the woman if the relationship is 'in the nature of marriage'. (*D. Veluswamy v. Patchaiammal*¹⁷ In 2008 ,The National Commission for Women recommended to Ministry of Women and Child Development and made suggestion to include live in female partners for the right of maintenance under section 125 of CrPC .The positive opinion in favour of live in relationship was also seconded by Maharashtra Government in

October ,2008 when it accepted the proposal made by Malimath Committee and Law Commission of India which suggested that if a woman has been in a live in relationship for considerable long time ,she ought to enjoy the legal status as given to wife. However , recently it was observed that it is divorced wife who is treated as a wife in context of section 125 CrPC and if a person has not even been married i.e the case of live in partners ,they cannot be divorced and hence cannot claim maintenance under section 125 CrPC.

JUDICIAL APPROACH:

On Live-in relationship there is no specific law enacted but there are many cases in which courts have given landmark judgments. Where a man and a woman live together for a long spell of time as husband and wife then there would be presumption of marriage u/S.114 of Indian Evidence Act, 1872.¹⁸ In *A. Dinohamy v. W.L. Blahamy*¹⁹ the Privy Council took a stand that, "where a man and a woman are proved to have lived together as man and wife, the law will presume, unless the contrary be clearly proved that they were living together in consequence of a valid marriage, and not in a state of concubinage."²⁰ And the same stand was also resorted to in the case of *Mohabhat Ali v. Md. Ibrahim Khan*²¹, when the Privy Council stuck to their position that when a man and a woman cohabitated continuously for a number of years, the law presumes that they are a married couple and are not in a state of concubinage.²² In a case *Badri Prasad v. Dy. Director of Consolidation*²³ where a man and a woman lived together for around 50 years, the S.C. presumed that they were a married couple. But in this case the S.C. laced their judgment by observing that, "The presumption was rebuttable, but a heavy burden lies on the person who seeks to deprive the relationship of legal origin to prove that no marriage took place. Law leans in favour of legitimacy and frowns upon a bastered."

In *Payal Sharma v. Superintendent, Nari Niketan, Agra, C.M. Hab. Corp.*²⁴ the Bench consisting of justice M.Katju and justice R.B.Mishra of Allhabad High Court observed that "In our opinion, a man and a woman, even without getting married, can live together if they wish to. This may be regarded as immoral by society, but is not illegal. There is a difference between Law and Morality ."²⁵ The Supreme Court in the case of *Vidyadhari v. Sukhrana Bai*,²⁶ issued a Succession Certificate in favour of the live-in partner, who was nominated by the deceased.²⁷

In *Koppiseti Subbharao Subramaniam v. State of A.P.*²⁸, the Supreme Court provided the protection cover against dowry under Section 498 A of the Indian Penal Code, 1860²⁹ by including a person who enters into marital relationship under the colour of feigned status of husband.³⁰ In *Patel and others Case*³¹ the Supreme Court observed that the two adults are not criminal offenders who are bound in live-in-relationship without a formal marriage. No legislation has ever been enacted by Indian Parliament which denounces any live-in-Relationship as illegal. The above judgment was made applicable to *Tulsa v. Durghatiya*³² by the Supreme Court and re-recognized the rule that there would be a presumption of marriage u/S.114 when there has been long cohabitation.³³

On 28 April, 2010 Special Bench of the Supreme Court of India consisting of K.G. Balakrishnan, Deepak Verma, B.S. Chauhan in *Khushboo vs Kanniammal & Anr.*³⁴ posed a question "If two people, man and woman, want to live together, who can oppose them? What is the offence they commit here? This happens because of the cultural exchange between people." The S.C. held that live-in-Relationship is permissible. Living together in the eyes of law even if it is considered immoral in the eyes of the conservative Indian society The court also held that living together is a part of the right to life u/Art.21 of the Indian Constitution³⁸ and it is not a "criminal offence". In *Alok Kumar v. State*³⁵ the complainant started live-in relationship' with the petitioner, who had not even divorced his previous wife and was having a child of his own. The complainant was also having a child of her own. The Delhi High Court, therefore, described the nature of such relationship as a walkin and walkout relationship with no legal strings attached. It is a contract of living together "which is renewed every day by the parties and can be terminated by either of the parties without consent of the other party." Those who do not want to enter into such relationship enter into such relationship of marriage which creates a legal bond which cannot be broken by other party at will. Thus people who choose to have 'live-in relationship' cannot later complain of infidelity or immorality.³⁶

On 17th May 2010 a Bench of the Supreme Court of India consisting of Hon'ble Justice B.S. Chauhan and Justice Swatanter Kumar (JJ) in *Bharatha Matha & Anr vs R. Vijaya Renganathan & Ors*³⁷ held that a child born out of a void or voidable marriage was not entitled to claim inheritance in ancestral coparcenary property but was entitled to claim only self-acquired properties. The Court further held that the main purpose of Section 16 of the HMA 1955 dealing with legitimacy and property rights of children of void and voidable marriages is to provide children, who otherwise would have been branded illegitimate, certain degree of legitimacy in the eyes of law.

On 31 March, 2011 the Supreme Court in *Revanasiddappa & Anr. vs Mallikarjun & Ors*³⁸ remarked that irrespective of the relationship between parents, birth of a child out of such relationship has to be viewed independently of the relationship of the parents. It is as plain and clear as sunshine that a child born out of such relationship is innocent and under the Hindu Marriage Act (HMA), illegitimate children are entitled to all rights in the property of their parents, both self-acquired and ancestral. Justice Ganguly said that under Section 16 (1) and 16 (2), it was expressly declared that children born in a void or voidable marriage, (viz. second marriage) should be legitimate. "If they were declared legitimate, then they cannot be discriminated against and they will be on a par with other legitimate children and be entitled to all the rights in the property of their parents, both self-acquired and ancestral." A Bench of Justices G.S. Singhvi and A.K. Ganguly remarked: "the prohibition contained in Section 16 (3) will apply to such children with respect to property of any person other than their parents. The legislature has advisedly used the word 'property' and has not qualified it with either self-acquired property or ancestral property. It has been kept broad and general."..... "with changing social norms of legitimacy in every society, including ours, what was illegitimate in the past may be legitimate today. The concept of legitimacy stems from social consensus, in the shaping of which various social groups play a vital role."³⁹

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In *Virendra Chanmuniya vs. Chanmuniya Kumar Singh Kushwaha and Anr*⁴¹ the appellant woman contended that she was remarried, as per the prevalent custom and usage, to the younger brother (Respondent) of her deceased husband. They lived together as husband and wife for a pretty long time. Thereafter, surprisingly and unfortunately the husband (respondent) started harassing the appellant wife and also refused to provide her maintenance u/S.125 of Cr.P.C. In this case, the High Court held that the appellant wife was not entitled to maintenance on the ground that only legally married woman can claim maintenance u/S.125 of Cr.P.C. But the Supreme Court turned down the judgment delivered by the High Court and awarded maintenance to the wife (appellant) saying that provisions of Sec. 125 of Cr.P.C. must be considered in the light of Sec. 26 of the PWDVA, 2005.⁴² In brief, the S.C. held that women in live in Relationship are equally entitled to all the reliefs which are available to legally wedded wife.⁴³

Similarly the Kerala High court in *T.K. Surendran v. Nazima Bindra*⁴⁴ observed that in the light of sec.26 of Domestic Violence Act (DV Act), 2005, the provisions of the DV Act in relation to the monetary relief of maintenance (sec 20(1)(d) have been brought in sec. 125 Cr.P.C. The court further observed that by section 26 of DV Act, the provision to claim maintenance by a woman in non-formal relationship of marriage with the respondent has also been brought into sec.125 Cr.P.C. by incorporation. If the expression 'wife' can be understood to include woman in domestic relationship entitled to claim maintenance under sec 20(1)(d) of DV Act. There shall be no proof of formal or legal relationship of wife to entitle her for maintenance under sec. 125 Cr.P.C. Combined reading of secs. 2(f), 20 and 26 of the DV Act produce the result that the monetary relief of maintenance can be claimed not only by legally wedded wives but also by women related to men through 'relationship in the nature of marriage'.

In *Velusamy v. D. Patchaiam*⁴⁵ the Supreme Court examined the definition of 'aggrieved person'. According to Section 2 (a) of PWDVA, 2005 "aggrieved person" means any woman who is, or has been, in a domestic relationship with the respondent and who alleges to have been subjected to any act of domestic violence by the respondent and domestic relationship taken together and

opined that the expression 'Relationship in the nature of marriage' which is included within the definition of domestic relationship' has not clearly been defined in the Act. Hence the Supreme Court said an authoritative decision⁴⁶ is required to be taken to elucidate what is and what is not a relationship in the nature of marriage. The Supreme court held :

"Relationship in the nature of marriage" is akin to a Common Law Marriage. Common Law Marriages require that although not being formally married:-

- (a) The couple must hold themselves out to society as being akin to spouses,
- (b) They must be of legal age to marry,
- (c) They must be otherwise qualified to enter into a legal marriage, including being unmarried,
- (d) They must have voluntarily cohabited and held themselves out to the world as being akin

to spouses for a significant period of time."⁴⁷

On 26th November 2013 a twojudge Bench of the Supreme Court constituting of K.S. Radhakrishnana nd Pinaki Chandra Ghose, JJ in *Indra Sarma v. V.K.V. Sarma*⁴⁸ held that when the woman is aware of the fact th at the man with whom she is having living in relationship and who already has a legally wedded wife and two chil dren, is not entitled to various reliefs available to a legally wedded wife and also to those who enter into a relati onship in the nature of marriage' as per provisions of PWDVA, 2005. But in this case, the Supreme Court felt tha t denial of any protection would amount to a great injustice to victims of illegal relationship who are poor, illi terate and also to their children who are born out of such relationship and has no source of income of her own⁴⁹

In a recent landmark judgment on April 2015, the Supreme Court ruled out that couples living in live-in-relationships will be presumed legally married and in case if the man dies, then his property will be inherited by his partner. The historic verdict was given by the bench consisting of Justice MY Eqbal and Justice Amitava Roy. Since 2010, the Supreme Court has ruled in favour that women should get the rights as that of a wife, in case of live-in couples. The decision was taken in the backdrop of a case pertaining to an old man, who kept a woman as his mistress for 20 years in a joint family. After his death, that woman was not entitled to inherit share in his property, but the Supreme court turned the verdict into her favour.⁵⁰

Apart from this there are many issues which are required to be tackled as the S.C. in *Indra Sharma* case observed that there is a burning need to expand the connotation of Sec. 2 (f) which defines domestic relationship in PWDVA, 2005 with a view to include there in victims of illegal relationship who are poor, illiterate along with their children who are born out of such relationship and who do not have any source of income. If the above suggestions made by the Apex Court, purely out of humanitarian consideration, is converted into legislation, it would prove to be an effective remedy to a societal wrong caused by such illegal relationships. Over the span of its judgment, the Supreme Court has given the accompanying rules dependent on which the Parliament may pass another enactment: "1) Duration of relationship - Section 2(f) of the DV Act has utilized the articulation "anytime of time", which implies a sensible timeframe to keep up and proceed with a relationship which may differ from case to case, contingent on the true circumstance. (2) Shared family unit - The articulation has been characterized under Section 2(s) of the DV Act and, subsequently, needs no further elaboration. (3) Pooling of Resources and Financial Arrangements supporting one another, or any of them, monetarily, sharing ledgers, getting resolute properties in joint names or for the sake of the lady, long haul interests in business, shares in isolated and joint names, in order to have a long standing relationship, might be a managing factor. (4) Domestic Arrangements - Entrusting the obligation, particularly on the lady to run the home, do family unit exercises like cleaning, concocting, keeping up or up keeping the house, and so forth means that a relationship in the idea of marriage. (5) Sexual Relationship - Marriage like relationship alludes to sexual relationship, for joy, however for passionate and private relationship, for multiplication of kids, in order to give enthusiastic help, fellowship and furthermore conjugal fondness, mindful and so on. (6) Having kids is a solid sign of a relationship in the idea of marriage. Gatherings, in this manner, mean to have a long standing relationship. Sharing the obligation regarding raising and supporting them is additionally a solid sign. (7) Socialization in Public - Holding out to

people in general and associating with companions, relations and others, as though they are a couple is a solid condition to hold the relationship is in the idea of marriage. (8) Intention and direct of the gatherings - Common aim of gatherings about what their relationship is and to include and as to their particular jobs and duties, basically decides the idea of that relationship."

Thus live-in-relationship although not acceptable to the civilized society but there is no doubt that this concept is digging its roots deep into the social fabric of India posing a great challenge to the institution of marriage. So law is required to meet the changes taking place in the society.

¹ "live together and have a sexual relationship without being married", Catherine, Soanes Oxford English Dictionary, Oxford University Press, 7th ed. 2007

² (IOSR-JHSS) Volume 19, Issue 12, Ver. IV (Dec. 2014), p. 28

³ Sec 2(f) of the PWDVA, 2005

⁴ MANU/SC/0872/2010, AIR 2011 SC 479

⁵ Lakshmi Shanthakumar, Legitimacy of Bastardisation Law : A Critical View (2011) PL Nov. s-12

⁶ www.indialawjournal.com/volume2/issue_2/article_by_saakshi.html, (Accessed on 04 Dec., 2014)

⁷ Chetan Tripathy, Live in Relationship- Review and Analysis

⁸ http://www.citizensinformation.ie/en/birth_family_relationships/relationships_life_event.html, as visited on 10 Jun., 2014

⁹ www.indialawjournal.com/volume2/issue_2/article_by_saakshi.html, accessed on 07 May, 2015

¹⁰ Alexandra Kazia, 4 myths about common-law relationships, CBC News available at <http://www.cbc.ca/news/canada/4-myths-about-common-law-relationships-1.1315129>)

¹¹ <http://www.liveintgether.com/live-in-laws-UK.asp>, as visited on 5 Feb. 2015

¹² The Times of India <http://timesofindia.indiatimes.com/life-style/relationships/man-woman/Love-live-ins/> (Accessed on 09 Sept., 2015)

¹³ MANU/SC/0872/2010, AIR 2011 SC 479

¹⁴ (1976) 18 C3d660

¹⁵ (1986) 224 Cal. Rpr. 186

¹⁶ MANU/SC/0872/2010, AIR 2011 SC 479, Para. 25

¹⁷ MANU /SC/0872/2010, AIR 2011 SC 479, para 20

¹⁸ Indian Evidence Act, 1872, S. 114 - Court may presume existence of certain facts. —The Court may presume the existence of any fact which it thinks likely to have happened, regard being had to the common course of natural events, human conduct and public and private business, in their relation to the facts of the particular case

¹⁹ AIR 1927 P.C. 185

²⁰ *Ibid.* at 187

²¹ AIR 1929 PC 135

²² AIR 1929 PC 138

²³ AIR 1978 SC 1557

²⁴ W.P. No. 16876/2001, MANU/UP/0288/2001

²⁵ *Ibid*

²⁶ C.A. No. 575/2008 MANU/SC/0629/2008,

²⁷ *Ibid.* at. 9-10

²⁸ CrI. Appl. No. 867/2009 MANU/SC/0689/2009

²⁹ Indian Penal Code, 1872 u/S. 498A.- Husband or relative of husband of a woman subjecting her to cruelty.—Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine. Explanation.—For the purpose of this section, —cruelty□ means— (a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or (b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

³⁰ CrI. Appl. No. 867/2009 MANU/SC/0689/2009

³¹ 2006) 8 SCC 726

³² Civil Appeal No. 648/2002 MANU/SC/0424/2008

³³ *Ibid. Para. 12,13*

³⁴ CrI. App. No. 913/2010, arising out of SLP (CrI.) No. 4010 of 2008, MANU/SC/0310/2010

³⁵ Cr.M.C.No. 299/2009

³⁶ *Ibid. Para.6*

³⁷ AIR 2010 SC 2685

³⁸ Civil Appeal No. of 2011, Arising out of Special Leave Petition (C) No.12639/09 , 2011(2)UJ 1342(S.C.)

³⁹ Hindu Marriage Act, 1955, Section 16- Legitimacy of children of void and voidable marriages.- (1)

Notwithstanding that a marriage is null and void under Section 11, any child of such marriage who would have been legitimate if the marriage had been valid, shall be legitimate, whether such a child is born before or after the commencement of the Marriage Laws (Amendment) Act, 1976, and whether or not a decree of nullity is granted in respect of the marriage under this Act and whether or not the marriage is held to be void otherwise than on a petition under this Act. (2) Where a decree of nullity is granted in respect of a voidable marriage under Section 12, any child begotten or conceived before the decree is made, who would have been the legitimate child of the parties to the marriage if at the date of the decree it had been dissolved instead of being annulled, shall be deemed to be their legitimate child notwithstanding the decree of nullity. Nothing contained in subsection (1) or subsection (2) shall be construed as conferring upon any child of a marriage which is null and void or which is annulled by a decree of nullity under Section 12, any rights in or to the property of any person, other than the parents, in any case, where, but for the passing of this Act, such child would have been incapable of possessing or acquiring any such rights by reason of his not being the legitimate child of his parents.

⁴⁰ *Ibid Para.36*

⁴¹ MANU/SC/0807/2010

⁴² MANU/SC/0807/2010, Para. 43

⁴³ MANU/SC/0807/2010, Para. 42

⁴⁴ 2012 Cri.L.J.320

⁴⁵ MANU/SC/0872/2010, AIR2011SC479

⁴⁶ MANU/SC/0872/2010, AIR2011SC479, Para 20

⁴⁷ MANU/SC/0872/2010, AIR2011SC479, Para 33

⁴⁸ Criminal Appeal No. 2009 of 2013, decided on November 26, 2013

⁴⁹ Criminal Appeal No. 2009 of 2013, decided on November 26, 2013 Para. 62 and 66

⁵⁰ Live-in-relationship gets legal status, couples to be presumed married: Supreme Court
<http://www.oneindia.com/india/live-in-relationship-couples-to-be-presumed-legally-married-supreme-court-1716195.html> ,accessed on April 16,2015