

Divorce does not always take a year

Q. I am D. and am 35 years old. I got married on 22.10.2003.

It was an arranged marriage After about two weeks of marriage my husband came drunk one night, picked up a row and assaulted me. When I ran out yelling next door a lady phoned 911. The police arrived and took him away. Later I came to know when he was produced in the Courts. My husband had several previous criminal record such as assault, robberyetc, and I do not wish to live with him knowing his bad criminal background which I did not know earlier. I am from a respectable family and I now want to Divorce from him. Should I wait for one year from the date of marriage or separation to file papers for Divorce.

Is his bad previous criminal record enough grounds for a Divorce?

I have little or no



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income. Can I claim maintenance monthly or once and for all lump sum for damages he caused to my life?

Can I seek free legal aid for a Divorce case? If so to whom should I apply?. Please reply in detail and help me as I am clueless. Thanking you Ms.D.

A. You don't have to wait one year from the date separation to file for divorce. Its just that the Court cannot actually grant the Divorce until you have been separated for one year unless you claim that the reason you are asking for a divorce is on the grounds of "cruelty." It appears that you may have such grounds because your husband was violent towards you . So long as you have "proof" of the assault, you could be divorced earlier. If you had the right to claim for spousal support, you

would not need to wait for the final Divorce trial or judgment, even if you based your divorce claim on one year's separation. In such a case, you could even file within the year and claim in Court for damages (called "assault and battery") and obtain a temporary order pending the final divorce order for spousal support based upon your husband's yearly income. Unfortunately, your cohabitation was so short (two weeks), you would not likely get any spousal support – whether monthly or lump sum (It is unusual for courts to award lump sum spousal support.) At trial, depending on how badly hurt you were, the Court may well award some money in damages for the assault. Call Legal Aid: (416) 598-0200. You may be eligible for Legal Aid if you financially qualify. .