

B. Grounds for divorce

I. Divorce on grounds of guilt (violation of marriage duties)

SECTION 42

I ^ Adultery

1. A marriage partner can petition for divorce if the other partner has committed adultery.
2. He has no legal right to divorce if he consented to the adultery or if by his conduct he intentionally made it possible or facilitated it.

SECTION 43

Other violations of marriage duties

A marriage partner can petition for divorce if the other partner through serious violations of marriage duties or through disreputable or immoral conduct, is guilty of having disrupted the foundations of the marriage to such an extent that the restoration of common life in the true conjugal sense can no longer be expected. Any partner who has himself been guilty of such a violation cannot petition for divorce, if on a true assessment of the significance of marriage the nature of his violation does not morally justify his request for divorce, especially if there should be a connection between his violation and that of his partner.

II. Divorce on other grounds

SECTION 44

Conduct due to mental derangement

A marriage partner can petition for divorce if, owing to the conduct of the other partner which cannot be considered as a violation of marriage duties because it arises from the mental derangement, the foundations of marriage have been disrupted to such an extent that restoration of common life in true conjugal sense can no longer be expected.

SECTION 45

Mental Diseases

A marriage partner can petition for divorce if the other partner is suffering from a mental disease which has reached such a stage as to make spiritual companionship impossible and unlikely to be restored.

SECTION 46

Contagious and repulsive diseases

A marriage partner can petition for divorce if the other partner is suffering from a severe contagious or repulsive disease which cannot be expected to be cured or rendered innocuous within a reasonable time.