

## SECTION 47

**Prevention of Hardship**

In cases under Sections 44—46, divorce is not admissible if the petition for divorce cannot be morally justified. As a rule this must be assumed if the dissolution of the marriage would cause exceptional hardship to the other partner. Whether this is the case depends on circumstances, in particular the duration of the marriage, the age of the marriage partners and the circumstances in which the disease was contracted.

## SECTION 48

**Cessation of domestic life**

1. If the marriage partners have not kept a common household for three years and if, owing to a deep-rooted, incurable disruption of marital relations, restoration of common life in the conjugal sense cannot be expected, either of the marriage partners can petition for a divorce.

2. If the action of the marriage partner seeking divorce wholly or predominately caused such a disruption, the other partner can oppose the divorce. Such opposition must be disregarded if maintenance of the marriage does not appear to be morally justified on a true assessment of the significance of marriage and of the mutual conduct of both partners.

8. The petition for divorce must not be granted if on a true understanding of the interests of one or several minor children of this marriage, the maintenance of the marriage is required.

**C. Exclusion of the right to divorce**

## SECTION 49

**Condonation**

The right to a divorce on the ground of guilt does not exist if from the conduct of the injured partner it can be inferred that he has condoned the violation or has not considered it to have disrupted the marriage.

## SECTION 50

**Period of Limitation**

1. The right to a divorce on the ground of guilt lapses if the marriage partner does not file a petition within six months. The period begins to run from the time when the ground for divorce becomes known to him. The period does not run while the partners ceased to keep a common household. If the guilty party requires the other party to re-establish a common household or to file a divorce petition, the period begins to run from the date of the receipt of this demand.