

SECTION 53

Divorce on other grounds

1. If a divorce is granted on the strength of a charge and countercharge and if only one of the marriage partners is found guilty, this must be stated in the judgment,

2. If the divorce is granted merely on the strength of the provisions contained in Sections 44—46 and 48, and if the defendant, at the time the petition was filed, or later, could have petitioned for divorce on the ground of the plaintiff's guilt, the judgment, even if no countercharge has been made, must on the application of the defendant state that the plaintiff has been found guilty. If the right of the defendant to petition for divorce on the ground of the plaintiff's guilt had already been forfeited at the time the petition was filed, the application must nevertheless be granted if this should appear to be fair. Section 50, Subsection 3 shall apply correspondingly.

E. Consequences of divorce

I. Name of the divorced wife

SECTION 54

Principle

The divorced wife retains the surname of her husband.

SECTION 55

Resumption of a former name

1. A divorced wife may resume her maiden name by making a declaration before a registrar. The declaration requires public certification.

* 2. Similarly she may resume a former surname acquired through a previous marriage if there are descendants of that marriage. Resumption is inadmissible if the wife has been found wholly or predominantly guilty.

SECTION 56

Refusal by the Guardianship Court to allow retention of name

Refusal by the husband to allow retention of his name

L If the wife has been found solely predominantly guilty, the husband may, by declaration before a registrar, forbid her to retain his surname. This declaration requires public certification. The registrar must notify the wife of this declaration.