

2. The action for mitigation of hardship must be brought within two years of the coming into force of this law in the court which made the decision so contested. Where this is impossible or impracticable, the President of the Oberlandesgericht in whose districts the contesting party is domiciled shall decide which court is competent to deal with the action.

3. The contesting party may in such an action claim compensation for material damage inequitably suffered by him and demand the removal or mitigation of such hardships as adversely affect his personal position.

4. No claim for restoration of a marriage which has been declared void or has been annulled or dissolved through divorce can be made.

5. The discretionary decision of the court should be guided by the principles of equity and should take into consideration all circumstances which have led to the disadvantage suffered by the contesting party. In particular it may award appropriate compensation for damage inequitably suffered during the period subsequent to the pronouncement of the decision contested and give the contesting party such rights as may be claimed under this law by the innocent party in a divorce suit.

6. In other respects the provisions of the "Zivilprozeßordnung" shall apply to an action for the mitigation of hardship.

## PART FOUR ADDITIONAL PROVISIONS

### SECTION 78

The repeal of Sections 1303—1352, 1564—1587, 1608 Subsection 2, and Sections 1635—1637, 1699—1704, 1771, Subsection 2, Sentence 2, of the Bürgerliches Gesetzbuch, Article II, Sections 1 and 2, of the "Gesetz gegen Mißbräuche bei der Eheschließung und der Annahme an Kindes Statt" dated 23rd November, 1933 (RGBl I. p. 979) and Article I of the "Gesetz über die Änderung und Ergänzung familienrechtlicher Vorschriften und über die Rechtsstellung der Staatenlosen" dated 12 April 1938 (RGBl I. p. 380) is not affected by this law.

### SECTION 79

The "Gesetz zur Vereinheitlichung des Rechts der Eheschließung und der Ehescheidung im Lande Österreich und im übrigen Reichsgebiet" \* dated 6th July, 1938 (RGBl I. p. 807) is hereby repealed. All provisions of any carrying out laws, ordinances or decrees and of any other legislation which are inconsistent with the present law are also hereby repealed.