

LEGAL AND JUDICIAL

How to File Mutual Consent Divorce From Abroad in Nepal

20 August 2026

A **mutual consent divorce from abroad in Nepal**, commonly described as a **Milapatra divorce from abroad**, is available where both spouses agree to end their marital relationship and satisfy the applicable Nepalese legal and court requirements. A spouse living in Australia, Japan, South Korea, the United Kingdom, the United States, Canada, the Gulf countries, Europe, or another foreign country does not automatically have to return to Nepal for every stage of the case. However, the exact procedure depends on the circumstances, the court's requirements, and whether the overseas spouse can act through an authorized representative.

Section 93 of the **Muluki Civil Code, 2074** states that a husband and wife may divorce at any time if both desire to do so. Section 96 requires a person seeking divorce to file an application before the concerned District Court.

The **Muluki Civil Procedure Code, 2074** also provides a statutory framework for representation through a Power of Attorney. Where the Power of Attorney is executed in a foreign country, the Code provides for authentication by a Nepali ambassador or consul general and specifies requirements concerning photographs and citizenship certificates or passports.

This article explains the **mutual consent divorce from abroad in Nepal**, including jurisdiction, requirements, Power of Attorney, documents, court procedure, timeline, cost, government fees, applicable laws, property, children, post-divorce steps, and legal services.

What Is Mutual Consent Divorce From Abroad

Mutual consent divorce means that both husband and wife agree to terminate their marriage. In Nepal, Section 93 of the Muluki Civil Code, 2074 expressly provides that if both spouses wish to do so, they may divorce at any time. The provision does not require either spouse to prove a fault-based ground when both parties agree to the divorce.

The expression **Milapatra divorce** is commonly used in legal practice and public discussion for an amicable divorce involving settlement between the spouses. Strictly speaking, the parties' settlement and the court's divorce order are

separate legal matters. A private Milapatra does not, by itself, terminate a registered marriage. The divorce must be completed through the competent court.

This differs from a contested divorce. In a contested matter, one spouse may seek divorce without the other's consent and rely on a statutory ground under the Civil Code. Sections 94 and 95 contain circumstances under which a husband or wife may seek divorce without the other spouse's consent. In a mutual consent case, the central fact is the agreement of both spouses.

Living abroad does not remove the jurisdiction of Nepalese courts where the case properly falls within Nepalese jurisdiction. Section 96 specifically requires a divorce application to be filed before the concerned District Court. The Civil Procedure Code also recognizes divorce as a matter to be decided by a regular court.

A spouse abroad may therefore work with a Nepalese lawyer and, where legally permitted, use an authorized representative. The court still remains the authority that completes the divorce.

The process should not be described as a completely online divorce. Electronic communication may assist preparation, but the legal case remains a court proceeding.

Where Can Overseas Spouses File Divorce

A divorce petition in Nepal is filed before the **concerned District Court**. Section 96 of the Muluki Civil Code expressly requires the husband or wife seeking divorce to submit an application to the concerned District Court.

The fact that a spouse lives abroad does not itself determine which District Court has jurisdiction. The parties should examine the applicable jurisdictional provisions of the **Muluki Civil Procedure Code, 2074** and the facts connecting the matter to Nepal.

The National Civil Procedure Code establishes jurisdictional rules for District Courts. It provides, among other things, that matters should be heard by a court having jurisdiction under law, and that a case filed before a court without jurisdiction can be rejected or transferred according to the applicable procedure. Sections 16 to 25 contain general jurisdiction provisions.

In practice, a lawyer should review:

- The spouses' permanent and temporary addresses in Nepal.
- The place where either spouse ordinarily resides or resided.
- The place connected with the marriage.

-
- Any relevant property in Nepal.
 - Existing proceedings between the spouses.
 - The circumstances of the spouse living abroad.
 - Any applicable jurisdictional rule under the Civil Procedure Code.

An embassy or consulate does **not** grant a Nepalese divorce. A Nepali diplomatic mission can perform specified consular functions, including authentication of certain documents such as a Power of Attorney executed abroad, but the divorce itself is determined through the competent Nepalese court. The Civil Procedure Code expressly provides for authentication of a foreign-executed Power of Attorney by a Nepali ambassador or consul general.

A lawyer should therefore establish the correct District Court before drafting the final petition. Filing in an incorrect court can cause procedural delay because jurisdiction is a legal requirement.

Who Can Apply for Divorce From Abroad

A mutual consent divorce from abroad can be relevant where one spouse lives outside Nepal and the other remains in Nepal, or where both spouses live outside Nepal. The essential requirement is that both spouses genuinely agree to terminate the marriage.

Section 93 does not distinguish between spouses based on whether they currently live inside or outside Nepal. It states that husband and wife may divorce at any time where both desire the divorce.

Common situations include:

- Husband living abroad and wife living in Nepal.
- Wife living abroad and husband living in Nepal.
- Both spouses living in the same foreign country.
- Both spouses living in different foreign countries.
- One spouse living abroad while the other is also temporarily outside Nepal.
- Nepali citizens or persons with relevant Nepalese marital records seeking divorce through Nepal.

Where one spouse is abroad, that spouse may need to execute a **Power of Attorney** if the court proceedings are to be handled through a representative. The Civil Procedure Code expressly recognizes an authorized attorney's ability to appear in court when a case is proceeded with, heard, and adjudicated.

The existence of a Power of Attorney does not mean that every overseas divorce case will automatically proceed without any personal appearance. The court may require verification or compliance with a particular procedural direction.

Consent should also be free and informed. A spouse should understand the divorce petition and the terms of the Milapatra before authorizing another person to act.

Where either spouse is a foreign citizen, an NRN, or has foreign marriage documents, the lawyer should examine the specific citizenship, marriage registration, jurisdiction, and documentary issues before filing. The applicable procedure can differ according to the documents and legal status involved.

What Requirements Apply Before Filing From Abroad

The first requirement for a mutual consent divorce is agreement between the spouses. Section 93 of the Muluki Civil Code, 2074 provides the legal basis for divorce where both husband and wife want to terminate the marriage.

The parties should confirm that the marriage is legally recognized and that the identity of both spouses can be established through acceptable documents. A marriage registration certificate is normally relevant, particularly where the marriage has been registered in Nepal.

The overseas spouse should also determine whether representation through a Power of Attorney is necessary. The Civil Procedure Code provides a formal mechanism for authenticating a Power of Attorney executed outside Nepal.

Before filing, the parties should discuss:

- Their agreement to divorce.
- Property owned individually or jointly.
- Debts and financial obligations.
- Alimony or maintenance.
- Child custody.
- Child maintenance.
- Education and healthcare expenses.
- Visitation and communication.
- Any existing court case.
- Any pending property transaction.
- Any other financial claim.

A written settlement should be prepared carefully. Section 102 of the Civil Code provides that, concerning the share or expenses payable to the wife in divorce, a written agreement between the husband and wife can govern the matter, subject to the statutory restriction that an agreement cannot be made contrary to the interests of a minor.

The parties should not assume that signing a document abroad automatically completes the divorce. The divorce petition still has to proceed before the competent District Court.

Where one spouse lives abroad, the parties should also consider the time required for consular authentication, international delivery of documents, court filing, and any required hearing.

What Documents Are Needed From Abroad

The exact document requirements can vary according to the case and the concerned District Court. A lawyer should verify the current requirements before filing.

Common documents may include:

- Nepali citizenship certificate of the spouse.
- Passport, where applicable.
- Marriage registration certificate.
- Passport-size photographs.
- Special Power of Attorney or Adhikrit Warisnama.
- Citizenship certificate or passport of the appointed attorney.
- Divorce petition.
- Mutual settlement or Milapatra.
- Children's birth or identity documents, where applicable.
- Property ownership documents, where property is being settled.
- Financial documents, where relevant.
- Foreign residence or identity documents, where necessary.
- Authentication or translation documents for foreign-issued documents.

The Power of Attorney has specific statutory requirements. Section 153 of the Civil Procedure Code provides that where a Power of Attorney is executed in a foreign country, the signature and thumb impression are authenticated by a Nepali ambassador or consul general. The Code also requires the person granting the Power of Attorney to affix photographs of

both the grantor and the attorney and submit copies of their citizenship certificates or passports.

The original authenticated Power of Attorney may need to be sent to Nepal for use in the court proceedings.

The parties should also check whether documents issued by foreign authorities require translation or additional authentication. The requirements can differ by country and by the document involved.

Copies should be prepared carefully, but originals should be retained unless the relevant authority requires submission of the original. A lawyer should compare names, citizenship numbers, dates, addresses, and marriage details across all documents before filing.

How to Prepare Power of Attorney Abroad

A **Power of Attorney for divorce in Nepal** should clearly authorize the representative to perform the acts required in the particular case. It should not be treated as a general document without checking the legal requirements.

The Civil Procedure Code expressly recognizes representation through an authorized attorney. Section 153 provides for authentication of a Power of Attorney executed in Nepal by a District Court judge and provides for authentication of a Power of Attorney executed in a foreign country by a Nepali ambassador or consul general.

A divorce-related Power of Attorney may need to authorize the representative to:

- Engage a lawyer.
- File the divorce petition.
- Submit supporting documents.
- Receive notices.
- Attend permitted proceedings.
- Make procedural applications.
- Participate in the settlement process.
- Submit or support the Milapatra.
- Receive court documents.
- Take other specifically authorized procedural steps.

The document should identify the principal and the attorney clearly.

The statutory procedure also refers to photographs of the person granting the Power of Attorney and the appointed attorney, together with copies of their citizenship certificates or passports.

The spouse abroad should contact the relevant **Nepali Embassy or Consulate** before signing the document because appointment, identification, document format, photographs, fees, and other consular requirements can depend on the particular mission.

A foreign notary's signature should not automatically be assumed to satisfy the Nepalese court's requirements. The Nepalese statutory authentication mechanism should be followed where applicable.

The Power of Attorney should also be limited to the authority actually intended. If property transfer authority is required in addition to divorce representation, the lawyer should separately examine the applicable property-transfer provisions. A divorce POA should not automatically be treated as authority for every possible transaction.

How to File the Divorce Petition From Abroad

The process normally starts with legal consultation and verification of the parties' documents and jurisdiction.

Step 1: Confirm mutual consent

Both spouses should confirm that they voluntarily want to end the marriage under Section 93 of the National Civil Code.

Step 2: Confirm the District Court

The lawyer should determine the competent District Court under the applicable jurisdiction rules.

Step 3: Prepare the petition

The divorce petition should accurately identify both spouses, the marriage, relevant circumstances, children where applicable, and the relief requested.

Step 4: Prepare the Milapatra

The settlement should address property, financial claims, maintenance, children, and other agreed matters.

Step 5: Prepare the Power of Attorney

Where representation is required, the overseas spouse should execute the appropriate Power of Attorney.

Step 6: Authenticate the Power of Attorney

The foreign-executed POA should follow the statutory authentication procedure. The Civil Procedure Code provides for authentication by a Nepali ambassador or consul general.

Step 7: Send documents to Nepal

The authenticated documents and other originals required for filing should be delivered to the lawyer or authorized representative.

Step 8: File the case

The petition is submitted before the competent District Court under Section 96 of the Civil Code.

Step 9: Complete court proceedings

The court examines the case, documents, consent, representation, and settlement according to law.

Step 10: Obtain the divorce order

Once the court completes the legal process and grants divorce, the parties should obtain certified copies of the final order.

This procedure shows why a **mutual consent divorce from abroad** is not simply a document-signing exercise. The Power of Attorney facilitates representation, while the District Court completes the judicial divorce.

How Does Court Process Overseas Divorce Cases

The District Court remains the judicial authority responsible for the divorce. Section 96 of the National Civil Code requires the divorce application to be filed in the concerned District Court. Section 97 provides for reconciliation between husband and wife after an application for divorce has been filed. Section 98 addresses the court's power to effect the divorce after the statutory process.

The court can examine:

- The identity of the spouses.
- The existence of the marriage.
- The divorce petition.

-
- Mutual consent.
 - The validity of the representative's authority.
 - The Milapatra.
 - Property and financial arrangements.
 - Child-related arrangements.
 - Other relevant legal requirements.

Section 97 provides that the court should attempt to reconcile the husband and wife after a divorce application is filed. Section 98 then provides for divorce where reconciliation cannot be achieved and the statutory conditions are met. It also contains a one-year provision in circumstances where the spouses do not agree despite the court's attempt to reconcile them.

That provision should not be incorrectly presented as a universal one-year waiting period for every mutual consent divorce. The facts of the case and the parties' agreement matter.

The Civil Procedure Code recognizes divorce as a matter for regular courts and provides general jurisdiction and procedural rules.

Family and divorce cases may also be heard in a closed bench where the statutory conditions are satisfied or the court considers closed proceedings appropriate. The Civil Procedure Code specifically includes divorce matters among cases for which closed-bench hearing may be ordered.

The court may also require additional steps where the documents or representation are incomplete.

How Long Does Divorce From Abroad Take

There is no reliable universal number of days for every **mutual consent divorce from abroad in Nepal**. The timeline consists of both foreign-document processing and Nepalese court processing.

The first stage can involve preparing and authenticating the Power of Attorney. The overseas spouse may need to obtain an appointment at the relevant Nepali Embassy or Consulate. The time required depends on the diplomatic mission and the document requirements.

International delivery can then add additional time.

After the documents reach Nepal, the timeline may depend on:

Adalat Lawyers

Strategic Litigation. Principled Advocacy. Advancing Justice in Nepal.

-
- Correct District Court jurisdiction.
 - Completeness of the petition.
 - Validity of the Power of Attorney.
 - Availability of both parties or representatives.
 - Court workload.
 - Hearing dates.
 - Property issues.
 - Child-related issues.
 - Additional documents requested by the court.
 - Any issue concerning consent or settlement.

The statutory process also includes reconciliation provisions under Section 97 and divorce provisions under Section 98.

A mutual consent case can be procedurally simpler than a contested divorce because the spouses are not litigating against each other over fault. However, this does not create a statutory guarantee that every case will finish on a particular date.

The overseas spouse should also distinguish the time required to obtain the POA from the time required by the District Court. A delay at the embassy is not a court delay, and a court hearing cannot be guaranteed merely because the documents have arrived in Nepal.

A lawyer may provide a practical estimate after reviewing the documents and the relevant District Court, but a fixed completion guarantee would not be appropriate.

What Are Costs and Government Fees Abroad

The total cost of a **divorce from abroad in Nepal** can include several separate categories. Government charges, consular charges, legal fees, and incidental expenses should not be combined into one unsupported “divorce fee.”

Potential expenses include:

- District Court charges.
- Power of Attorney authentication charges.
- Embassy or consular fees.

-
- Advocate's professional fees.
 - Document drafting charges.
 - Translation expenses.
 - Photocopying and certification.
 - Courier charges.
 - Travel expenses.
 - Property-related registration expenses, where applicable.
 - Other administrative charges.

The Bational Civil Procedure Code expressly provides a fee for authentication of a Power of Attorney under Section 153. The English version published by the Ministry of Law and Justice states a fee of **Rs. 500** for the statutory authentication referred to in that provision.

However, the current fee applicable at a particular Nepali diplomatic mission and any separate administrative charge should be confirmed before execution. Published statutory text should not be treated as a substitute for checking current consular practice.

Lawyer fees are separate. An advocate may charge for consultation, petition drafting, Milapatra drafting, POA preparation, document review, filing, court appearances, and obtaining certified documents. The parties should ask what services are included.

The District Court's current applicable court charges should also be verified before filing. Divorce matters are subject to prescribed court procedures and fees, but the amount should not be stated as a universal figure without checking the current applicable schedule.

Where property must be transferred after divorce, property registration or related charges can arise separately.

What Laws Govern Divorce From Abroad Nepal

The principal substantive law is the **Muluki Civil Code, 2074**. The Nepal Law Commission publishes the current National Civil Code and the Civil Procedure Code as prevailing legislation.

The principal divorce provisions are:

- **Section 93:** Divorce by mutual consent.
- **Section 94:** Grounds on which a husband may seek divorce without the wife's consent.

-
- **Section 95:** Grounds on which a wife may seek divorce without the husband's consent.
 - **Section 96:** Requirement to file a divorce application before the concerned District Court.
 - **Section 97:** Reconciliation between husband and wife.
 - **Section 98:** Effecting divorce.
 - **Section 99:** Property partition before divorce in specified circumstances.
 - **Section 100:** Lump-sum amount or periodic alimony.
 - **Section 101:** Maintenance expenses in specified circumstances.
 - **Section 102:** Matters according to written agreement, subject to the statutory protection concerning minors.

The **Muluki Civil Procedure Code, 2074** provides the broader procedural framework. It contains rules on court jurisdiction, filing, documents, representation, Power of Attorney, hearings, and enforcement. The Code expressly identifies divorce as a matter within the regular court system.

Section 153 is particularly relevant for an overseas spouse because it addresses Power of Attorney authentication. A foreign-executed POA is authenticated by a Nepali ambassador or consul general under the provision, and the Code requires photographs and citizenship certificates or passports of the principal and attorney.

The **Muluki Civil Procedure Rules, 2075** and relevant court practice can also affect filing and administration.

The current legislation should be checked before filing because amendments, rules, court practice, and consular requirements can change.

How Are Property and Alimony Settled Abroad

Property and financial matters should be settled before the Milapatra is finalized. Overseas residence does not remove property rights or financial obligations arising under Nepalese law.

Section 99 of the National Civil Code contains provisions concerning partition of property before divorce in specified circumstances. Section 100 addresses lump-sum or annual or monthly amounts or expenses in specified circumstances, while Section 101 deals with maintenance expenses where its statutory conditions apply. Section 102 allows certain matters concerning the wife's share or expenses to be governed by written agreement, subject to the protection of minors.

A settlement may address:

- Land and houses.

-
- Vehicles.
 - Bank accounts.
 - Shares and investments.
 - Business interests.
 - Household property.
 - Loans.
 - Other liabilities.
 - Lump-sum payments.
 - Periodic payments.
 - Maintenance or alimony.

The agreement should identify significant assets clearly. If land is involved, the parties should review the land ownership certificate and relevant registration details. If a spouse is required to transfer property, the authority granted to the representative should be examined separately.

Section 153 of the National Civil Procedure Code also deals with representation through an authorized attorney, while Section 154 contains separate provisions concerning transfer of rights in immovable property through an authorized attorney.

This distinction matters. A Power of Attorney prepared solely for divorce proceedings should not automatically be assumed to authorize every property transaction.

For money settlements, the Milapatra should state the amount, payment method, due date, and purpose of the payment. If payment will occur in foreign currency or through an overseas account, the lawyer should consider how the agreement will be implemented and evidenced.

How Are Children Protected After Overseas Divorce

Where the spouses have minor children, the divorce agreement should separately address the children's living arrangements and financial needs. The parents should not treat custody as simply another item to exchange in a financial settlement.

The Milapatra may address:

- Custody.

-
- Residence.
 - Child maintenance.
 - School expenses.
 - Healthcare.
 - Food and ordinary living expenses.
 - Visitation.
 - Telephone and online communication.
 - Travel arrangements.
 - Major educational decisions.
 - Medical decisions.
 - Financial responsibility of each parent.

Section 102 of the National Civil Code expressly provides that an agreement cannot be made contrary to the interests of a minor.

This becomes particularly relevant when one parent lives abroad. For example, if the mother lives in Nepal and the father lives in Japan, the settlement may need to address how the father maintains regular contact, contributes to school and medical expenses, and exercises visitation.

International travel should also be addressed carefully. A child residing in Nepal may need appropriate documents and parental cooperation to travel abroad. The divorce settlement should not contain vague provisions that create practical difficulties later.

Where the child will live abroad with one parent, the lawyer should examine the proposed arrangement, travel documents, consent requirements, and applicable Nepalese law.

The court retains its legal role in considering child-related matters. A parental agreement does not mean that every term will automatically be accepted regardless of its effect on the child.

The settlement should therefore use clear and practical language. It should specify who bears particular expenses and how the parents communicate about significant decisions.

What Happens After Overseas Divorce Order

After the District Court grants the divorce, the parties should obtain the final **divorce order** and certified copies. The private Milapatra and the final court order should be kept separately because they serve different evidentiary purposes.

The parties may then need to implement the settlement.

Post-divorce steps can include:

- Obtaining certified copies of the divorce order.
- Preserving the court file and settlement documents.
- Completing agreed property transfers.
- Making agreed financial payments.
- Updating relevant records.
- Updating banking or insurance records where necessary.
- Addressing child-related administrative matters.
- Completing foreign administrative requirements where applicable.
- Keeping proof of payments and transfers.

Section 82 of the National Civil Code provides when the marital relationship is regarded as terminated, including where the husband and wife are divorced according to law. Section 83 recognizes circumstances in which a person may remarry after the marital relationship has ended according to law.

The parties should therefore rely on the legal divorce order rather than merely treating separation or signing a private agreement as equivalent to divorce.

If the settlement involves Nepalese immovable property, separate property registration or transfer procedures may be necessary. A divorce order does not necessarily complete every property registration automatically.

If the overseas spouse needs to prove the divorce to a foreign government, employer, immigration authority, court, or registrar, the authority may require a certified court document and, depending on the country, translation or further authentication.

The lawyer should advise the client about these requirements based on the destination country's rules.

What Checklist Should Overseas Couples Complete

Before filing a **mutual consent divorce from abroad**, the spouses should review the following checklist:

-
- Confirm that both spouses freely consent to divorce.
 - Confirm that the marriage is legally documented.
 - Identify the competent District Court.
 - Obtain citizenship certificates.
 - Obtain passports where relevant.
 - Obtain the marriage registration certificate.
 - Obtain children's documents where applicable.
 - Identify all significant property.
 - Identify loans and liabilities.
 - Agree on property settlement.
 - Agree on alimony or maintenance where applicable.
 - Agree on child custody and residence.
 - Agree on child maintenance and education expenses.
 - Prepare the divorce petition.
 - Prepare the Milapatra.
 - Prepare the Special Power of Attorney if representation is required.
 - Identify the person to be appointed as attorney.
 - Check the current Nepali Embassy or Consulate requirements.
 - Complete POA authentication.
 - Prepare required photographs.
 - Prepare citizenship or passport copies for the principal and attorney.
 - Send required authenticated documents to Nepal.
 - Verify the petition and documents before filing.
 - Confirm current court charges.
 - Confirm embassy or consular charges.
 - Confirm the lawyer's professional fees.
 - File before the competent District Court.
 - Comply with court directions.

-
- Obtain the final divorce order.
 - Obtain certified copies.
 - Complete property or financial settlement obligations.
 - Complete relevant post-divorce administrative procedures.

The checklist is a practical preparation guide and does not replace the filing requirements of the particular District Court.

The overseas spouse should keep scanned copies of all documents and maintain the original authenticated documents securely until the Nepalese lawyer confirms that the court has received everything required.

What Legal Services Can Lawyers Provide Abroad

A Nepalese lawyer can provide several services for an overseas spouse seeking a [Milapatra divorce from abroad in Nepal](#). The scope depends on the case and the authority given to the lawyer and representative.

Legal services can include:

- Initial consultation.
- Review of citizenship and marriage documents.
- District Court jurisdiction assessment.
- Divorce petition drafting.
- Milapatra drafting.
- Property settlement review.
- Alimony and maintenance advice.
- Child custody and maintenance advice.
- Power of Attorney drafting.
- Review of embassy authentication requirements.
- Court filing.
- Document verification.
- Court representation through an authorized attorney where permitted.
- Communication concerning hearing dates.
- Obtaining certified court orders.

-
- Assistance with post-divorce property and documentation.

The lawyer should not use the same settlement document for every client. A couple with no children and no property may have a relatively simple settlement. A couple with land, houses, businesses, children, debts, or overseas assets requires more detailed drafting.

A lawyer should also distinguish between **divorce representation** and **property representation**. If the overseas spouse wants a representative to transfer immovable property, additional authority may be required. Section 154 of the Civil Procedure Code contains separate provisions concerning transfer of immovable property through an authorized attorney.

The lawyer can also explain whether personal appearance may be required in the particular case. A Power of Attorney provides statutory representation, but it should not be advertised as an absolute guarantee that the overseas spouse will never need to appear.

For **Adalat Lawyers in Nepal**, an overseas divorce service can therefore include legal consultation, Power of Attorney assistance, Milapatra drafting, District Court filing, court representation where permitted, and post-divorce documentation.

Frequently Asked Questions

Can I Get Mutual Divorce While Living Abroad?

Yes, a person living abroad can seek mutual consent divorce through Nepal where the case falls within Nepalese court jurisdiction and the legal requirements are satisfied. Section 93 of the Muluki Civil Code permits divorce where both spouses agree. A spouse abroad may use an authorized representative where legally permitted. The Power of Attorney must follow the applicable authentication procedure, and the divorce itself remains a District Court proceeding.

Can Both Spouses Live Abroad During Divorce?

Both spouses may live abroad while pursuing a Nepalese mutual consent divorce, subject to jurisdiction, representation, document, and court requirements. Each overseas spouse may need an appropriately authenticated Power of Attorney if representation is used. The court must still have jurisdiction over the matter and must be satisfied with the documents and consent. The parties should confirm the procedure with a Nepalese lawyer before preparing their final documents.

Is Power of Attorney Required For Overseas Divorce?

A Power of Attorney is relevant where an overseas spouse wants another person in Nepal to act on their behalf. It is not accurate to say that every overseas divorce automatically requires a POA in exactly the same form. The need depends on representation and court requirements. Where a POA is executed abroad, Section 153 of the Civil Procedure Code provides an authentication mechanism through a Nepali ambassador or consul general.

Where Is Power of Attorney Authenticated Abroad?

Under Section 153 of the Muluki Civil Procedure Code, a Power of Attorney executed in a foreign country is authenticated by a **Nepali ambassador or consul general**. The statutory procedure also requires photographs of the person granting the authority and the appointed attorney, together with copies of their citizenship certificates or passports. The overseas spouse should confirm the current appointment and document requirements of the relevant Nepali Embassy or Consulate before signing.

Can An Embassy Grant Divorce In Nepal?

No. A Nepali Embassy or Consulate does not itself issue a Nepalese divorce order. Its role can include consular services and authentication of documents such as a Power of Attorney executed abroad. The divorce application must be filed before the concerned District Court under Section 96 of the Muluki Civil Code. The District Court remains the judicial authority that determines and completes the divorce according to applicable law.

Do I Need To Visit Nepal For Divorce?

Not every overseas spouse necessarily has to travel to Nepal for every stage of a mutual consent divorce. Representation through an authorized attorney can be available where the statutory and court requirements are satisfied. However, a Power of Attorney should not be presented as an absolute guarantee that personal appearance will never be required. The concerned District Court may issue directions concerning identification, consent, evidence, or appearance in a particular case.

How Long Does Overseas Mutual Divorce Take?

There is no single guaranteed timeline for every overseas mutual divorce in Nepal. Time can be required for Power of Attorney preparation, embassy authentication, international delivery, petition filing, court scheduling, document verification, and the judicial process. Property, child custody, incomplete documents, or questions about representation can add time. A lawyer can provide a practical estimate after reviewing the case, but court completion cannot responsibly be guaranteed for a fixed date.

How Much Does Divorce From Abroad Cost?

The cost depends on the case and may include court charges, Power of Attorney authentication fees, embassy or consular charges, lawyer's professional fees, courier expenses, translation, certification, and property-related expenses. Section 153 of the Civil Procedure Code specifies a statutory authentication fee for the Power of Attorney procedure, but current consular and court charges should be confirmed before filing. Legal fees remain separate from government fees and diplomatic charges.

What Documents Are Needed For Overseas Divorce?

Common documents include citizenship certificates, passports where applicable, the marriage registration certificate, photographs, the divorce petition, Milapatra, and a Special Power of Attorney where representation is used. Children's documents, property documents, financial records, and foreign-issued documents may also be required depending on the case. For a foreign-executed POA, the Civil Procedure Code requires specified authentication and supporting identification documents.

Can Property Be Settled Through Overseas Milapatra?

Yes, spouses can address property and financial matters through a written divorce settlement, subject to Nepalese law. Sections 99 to 102 of the Muluki Civil Code contain provisions concerning property partition, lump-sum or periodic amounts, maintenance, and agreements. The agreement should clearly identify assets, liabilities, payments, and transfers. A divorce Power of Attorney should not automatically be treated as sufficient authority for separate immovable-property transactions.

Conclusion

A **mutual consent or Milapatra divorce from abroad in Nepal** involves two related components: the spouses' agreement to terminate their marriage and the legal court process required to complete the divorce. Section 93 of the Muluki Civil Code, 2074 provides the substantive basis for divorce by mutual consent, while Section 96 requires the divorce application to be filed before the concerned District Court.

For an overseas spouse, the **Power of Attorney** is often a central part of the process where representation is used. Section 153 of the Muluki Civil Procedure Code provides specific rules for authentication of a Power of Attorney executed abroad, including authentication by a Nepali ambassador or consul general and supporting photographs and citizenship or passport documents.

The parties should settle property, alimony, maintenance, child custody, child expenses, and other relevant matters before finalizing the Milapatra. Sections 99 to 102 of the Civil Code contain specific provisions dealing with these issues.

The **Nepal Law Commission** maintains the current Muluki Civil Code and Muluki Civil Procedure Code, and those primary legal sources should be checked before filing because statutory and procedural requirements can change.

For an overseas spouse, the safest process is to confirm jurisdiction first, prepare the divorce petition and settlement carefully, execute and authenticate the Power of Attorney according to the applicable procedure, send the required documents to Nepal, file before the competent District Court, comply with court directions, and obtain the final certified divorce order.

This document is provided by Adalat Lawyers for general informational purposes only and does not constitute legal advice. For advice on your specific circumstances, please contact our team.