

**DISTRICT- GOPALGANJ, STATE-BIHAR**  
**IN THE COURT OF PRINCIPAL JUDGE, FAMILY COURT, GOPALGANJ**  
**MATRIMONIAL CASE NO. 193/2025**  
**(C. I. S. No. 193/2025)**  
**(u/s 13 (B) of The Hindu Marriage Act, 1955 )**

**PRESENT : DHIRENDRA BAHADUR SINGH**  
**PRINCIPAL JUDGE,**  
**FAMILY COURT, GOPALGANJ**

**Date of Judgment - 27<sup>th</sup> Day of July, 2026**

**IN THE MATTER OF:**

Sonu Kumar Tiwari, aged about 26 years s/o Vinod Tiwari  
r/o village- Ahiyapur, P.S.- Gopalpur, District-  
Gopalganj.....**Applicant No. 1**

**And**

Neha Kumari, aged about 28 years, w/o Sonu Kumar Tiwari & d/o  
Haresh Tiwari, r/o village- Ahiyapur, P.S.- Gopalpur, District-  
Gopalganj. A/P r/o village- Bhathwa Roop, P.S.- Kuchaikote,  
District- Gopalganj.....**Applicant No. 2**

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**Learned Counsel for Applicant No. 1 : Sri Jitendra Chaubey**  
**Learned Counsel for Applicant No. 2 : Sri Vinay Kumar Pandey**  
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**Date of filing : 24.09.2025**  
**Date of admission : 09.12.2025**  
**Judgment reserved on : 07.07.2026**  
**Date of Judgment : 27.07.2026**  
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**J U D G M E N T**

1. The present petition for divorce has been filed U/S 13-B of the Hindu Marriage Act, 1955 by the applicants for dissolution of their marriage by a decree of divorce with mutual consent. Applicant no.1 Sonu Kumar Tiwari is the husband of applicant no. 2 Neha Kumari.

**BRIEF FACTS**

2. The brief facts which give rise to present suit is that applicant no. 1 Sonu Kumar Tiwari married applicant no. 2 Neha Kumari on 11.03.2023 according to Hindu rites & customs at village- Bhathwa Roop, P.S.- Kuchaikote, District- Gopalganj and after marriage Neha Kumari (applicant no. 2) went to matrimonial home and their marriage got consummated. The

applicants have no issue out of the wedlock. It has further been stated that there is lack of understanding, temperamental differences, and differences of ideologies in between the parties and it would not be possible for them to lead their conjugal life together. It has also been stated that both the applicants have mutually agreed on 10.07.2025 at Gopalganj to part their ways. It has also been stated that applicant no. 1 (husband) has already paid Rs. Nine lakh as permanent alimony to applicant no. 2 (wife). It has also been stated that both the applicants have been living separately since 15.05.2023 and no relation exists in between them. It has also been stated that the petition has been filed on behalf of applicants voluntarily with mutual consent and as per their free will and they would have got no concern with each other in future after passing of the decree of divorce with mutual consent.

### **CASE HISTORY**

3. From perusal of the record, it appears that this case has been filed on 24.09.2025 and the same has been admitted on 09.12.2025. Reconciliation has been made on 05.01.2026 and the case has been sent to Mediation Center Gopalganj and during mediation the applicants view remains intact to part their ways and the terms of settlement has been formulated by the Mediator at Mediation Center, Gopalganj. Second motion reconciliation has been made on 07.03.2026 and the same has been failed. During evidence applicants have been examined in this case and applicant no. 1 has been examined as witness no. 2 and applicant no. 2 has been examined as witness no. 1. After hearing both sides the case has been fixed for judgment.

### **EVIDENCE OF THE APPLICANTS**

4. During course of evidence, applicant no. 2 Neha Kumari has been examined as witness no. 1 and she has stated in para no. 2 that both the applicant have mutually filed the present case for divorce. In para no. 3 she has stated that she was married to Sonu Kumar Tiwari on 11.03.2023 according to Hindu rites and customs at village- Bhathwa Roop, P.S.- Kuchaikote, District- Gopalganj and after marriage she went to matrimonial home. In para no. 4 she has stated that she lived lived in her matrimonial home for ten days and thereafter dispute arose in between the parties and thereafter she came to her MAYAKA. In para no. 5 she has stated that both the applicants have been living separately since 15.05.2023. In para no. 6 she has stated that both the applicants mutually agreed to part their ways on 10.07.2025 at Gopalganj. In para no. 7 she has stated that she received Rs.

Nine lakh as permanent alimony from her husband and she has nothing outstanding against her husband. In para no. 8 she has stated that criminal case has also been compromised in between the parties. In para no. 9 she has stated that she would never interfere in the personal life of applicant no. 1 and she would never claim anything against him in future. In para no. 10 she has stated that she has no objection in passing the decree of divorce.

During cross examination on behalf of applicant no. 1, in para no. 12 she has stated she received Rs. Nine lakh as permanent alimony from her husband. In para no. 13 she has stated that she has no remaining dispute with her husband and she has nothing outstanding against him. In para no. 14 she has stated that she has no objection in disposal of the present case. In para no. 15 she has stated that she received one time maintenance amount and STREEDHAN and she has nothing outstanding against her husband. In para no. 16 she has stated that remaining disputes have also been compromised in between the parties. In para no. 17 she has stated that she has no objection in passing the decree of divorce.

During court question, in para no. 18 she has stated that she deposed voluntarily. In para no. 19 she has stated that both the applicants have lastly resided together at village- Ahiyapur, P.S.- Gopalpur, District- Gopalganj. In para no. 21 she has stated that she could not specify how many days it would take for her to deposit Rs. Nine lakh into her bank account.

During re-examination, In para no. 22 she has stated that she received Rs. Nine lakh as one time maintenance amount/permanent alimony from her husband and she has filed her bank account details regarding that. In para no. 23 she has stated that she has no objection in passing the decree of divorce.

During cross examination on recall, in para no. 24 she has stated that he deposed voluntarily. In para no. 25 she has stated that she would never claim anything regarding maintenance and STREEDHAN against her husband.

5. During course of evidence, applicant no. 1 Sonu Kumar Tiwari has been examined as witness no. 2, and he has stated in para no. 2 that both the applicants have mutually filed the present case for divorce. In para no. 3 he has stated that his marriage was celebrated on 11.03.2023 with Neha Kumari according to Hindu rites and customs at village- Bhathwa Roop, P.S.-

Kuchaikote, District- Gopalganj and thereafter his wife came to his house. In para no. 4 he has stated that his wife lived well with him for ten days and thereafter dispute arose in between the parties and his wife/applicant no. 2 went to MAYAKA. In para no. 5 he has stated that both the applicants have been living separately since 15.05.2023. In para no. 6 he has stated that both the applicants mutually agreed to part their ways on 10.07.2025 at Gopalganj. In para no. 7 he has stated that he already paid Rs. Nine lakh as permanent alimony to the applicant no. 2 (wife) and he has nothing outstanding against his wife. In para no. 8 he has stated that criminal case has also been compromised in between the parties. In para no. 9 he has stated that he would never interfere in the personal life of applicant no. 2 (wife) and he would never claim anything against her in future. In para no. 10 he has stated that he has no objection in passing the decree of divorce.

During cross examination on behalf of applicant no. 2, in para no. 11 he has stated both the applicants mutually agreed to part their ways and they filed the present suit. In para no. 12 he has stated that he has no remaining dispute with his wife and he has nothing outstanding against his wife. In para no. 13 he has stated that he has no objection in disposal of the case. In para no. 14 he has stated that all remaining dispute have been compromised in between the parties. In para no. 15 he has stated that he has no objection in passing the decree of divorce.

During court question, in para no. 16 he has stated that he deposed voluntarily. In para no. 17 he has stated that both the applicants have lastly resided together at village- Ahiyapur, P.S.- Gopalpur, District- Gopalganj. In para no. 18 he has stated that he paid permanent alimony to his wife at Kuchaikote Bazar at Pankaj Medical Store and the father of applicant no. 2 along with MAYAKA family members were present there. In para no. 19 he has stated that he paid Rs. Nine lakh as permanent alimony into the bank account of applicant no. 2. In para no. 20 he has stated that he has nothing outstanding against his wife.

During cross examination, in para no. 21 he has stated that he deposed voluntarily. In para no. 22 he has stated that he would never claim anything against his wife in future. In para no. 23 he has stated that criminal case has been compromised in between the parties.

**ARGUMENT ON BEHALF OF APPLICANTS**

6 Learned counsel for the applicant no. 1 submitted that there has been matrimonial dispute in between the parties since long. He also submitted that the applicants have been living separately for a period of one year or more and there is no chance of reconciliation in between the parties and they are not able to live together. He further submitted that applicant no. 1(husband) has paid Rs. Nine lakh as permanent alimony to the applicant no. 2 (wife) He also submitted that both the parties voluntarily agreed to part their ways and nothing is outstanding against the applicant no. 2. He also submitted that there is no collusion in between the parties and it is essential for the ends of justice to pass the decree of divorce with mutual consent.

7. Learned counsel for applicant no. 2 submitted that there is no chance of reconciliation in between the parties and they have been living separately for a period of two years or more. He further submitted that applicant no. 2 (wife) has received Rs. Nine lakh as permanent alimony from the applicant no. 1 (husband). There is no question of any collusion in between the parties. Hence prayed to allow the present petition for divorce with mutual consent.

**POINTS FOR DETERMINATION**

8. Following are point for determination in this case:

- (i) Whether the applicants are legally married husband and wife?
- (ii) Whether they mutually agreed that the marriage be dissolved?
- (iii) Whether the applicants have been living separately for a period of one year and more and they have not been able to live together?
- (iv) Whether the averments in the petition are true?
- (v) Whether there is any collusion in between the parties in filing the present suit for divorce?
- (vi) Whether this court has got jurisdiction to try, entertain and adjudicate the suit?
- (vii) Whether the suit as framed is maintainable?
- (viii) Whether the applicants are entitled to get a decree for divorce with mutual consent?

**FINDINGS**

9. For adjudication of this matter, it is necessary to have a look on the provision of Section 13 (B) of Hindu Marriage Act, 1955 relating to divorce by mutual consent.

13B. Divorce by mutual consent- “(1) Subject to the provisions of this Act a petition for dissolution of marriage by a decree of divorce may be presented to the district court by both the parties to a marriage together, whether such marriage was solemnized before or after the commencement of the Marriage Laws (Amendment) Act 1976, on the ground that they had been living separately for a period of one year or more, that they have not been able to live together and that they have mutually agreed that the marriage should be dissolved.

2) On the motion of both the parties made **not earlier than six months** after the date of the presentation of the petition referred to in sub-section (1) and **not later than eighteen months after the said date**, if the petition is not withdrawn in the meantime, the court shall, on being satisfied, after hearing the parties and after making such inquiry as it thinks fit, that a marriage has been solemnized and that the averments in the petition are true, pass a decree of divorce declaring the marriage to be dissolved with effect from the date of the decree.”

**10.** On the basis of evidences available on record as well as in the light of other materials available on record, following are the findings on the points for determination.

**(i) Whether the applicants are legally married husband and wife-** It has been mentioned in the plaint para no. 1 that marriage of the applicants was celebrated on 11.03.2023 according to Hindu rites & customs at village-Bhathwa Roop, P.S.- Kuchaikote, District- Gopalganj. Original marriage invitation card and marriage certificate issued by MUKHIYA have also been filed on their behalf. Both the applicants have stated in their statements that their marriage was celebrated on 11.03.2023 and there is long standing matrimonial dispute in between the parties. Hence it can safely be held that they are legally wedded husband and wife according to Hindu rites and customs.

**(ii) Whether they mutually agreed that the marriage be dissolved-** Both the petitioners have stated before this court that they mutually agreed to part their ways on 10.07.2025 at Gopalganj. Applicant No. 1 Sonu Kumar Tiwari has stated in his evidence para no. 6 that on 10.07.2025 at Gopalganj the couple got agreed to part their ways. Applicant No. 2 Neha Kumari has also supported the fact in her evidence para no. 6 that they agreed to get divorce with mutual

consent on 10.07.2025 at Gopalganj. Hence it can safely be held that they have been mutually agreed to dissolve their marriage.

**(iii) Whether the applicants have been living separately for a period of one year and more and they have not been able to live together-** From the plaint it has been mentioned in para no. 10 that the applicants have been living separately since 15.05.2023. During course of evidence A.W. 1 Neha Kumari has stated in para no. 5 of her examination in chief that she has been living separately from her husband since 15.05.2023. Similarly, A.W. 2 Sonu Kumar Tiwari has also stated in para no. 5 of his evidence that he has been living separately from his wife since 15.05.2023. Their marriage was celebrated on 11.03.2023. Thus, it is apparent that they have been living separately for a period of more than two years. Attempts of reconciliation have been failed twice and even during mediation they have decided to part their ways. It is also apparent that there has been long standing dispute in between the parties and their relation reached to such a low that their re-union is impossible and they have expressed their view consistently at different forums.

**(iv) Whether the averment in the petition are true-** There is nothing on record to infer that the averment in the petition are not true. Petition of divorce has been signed by both the parties supported with their affidavits and even during their statement in the court they have supported the averments made in the petition. Hence it can safely be held that the averments made in the plaint are true.

**(v) Whether there is any collusion in between the parties in filing the present suit for divorce-** It is apparent that applicant no. 1 has paid Rupees Nine lakh as permanent alimony to the applicant no. 2 and it never appears from any corner that there is any collusion in between the parties in filing the present suit and there has been long standing matrimonial dispute in between the parties. So it can safely be held that there is no collusion in between the parties in filing the present suit for divorce.

**(vi) Whether this court has got jurisdiction to try, entertain and adjudicate the suit-** Marriage of the parties has been celebrated on 11.03.2023 at village- Bhathwa Roop, P.S.- Kuchaikote, District- Gopalganj within the jurisdiction of the court and both the applicants have lastly resided together at village- Ahiyapur, P.S.- Gopalpur, District- Gopalganj and it can safely be held that the

present suit is well within the jurisdiction of this court. Hence this court has got jurisdiction to try, entertain and adjudicate this case.

**(vii) Whether the suit as framed is maintainable-** From the averments made in the suit, it is apparent that applicants are legally wedded couple and their marriage has been celebrated according to Hindu rites and customs on 11.03.2023 at village- Bhathwa Roop, P.S.- Kuchaikote, District- Gopalganj within the jurisdiction of this Court. It appears that the applicants got agreed to get the decree of divorce with mutual consent and they have been agreed for that on 10.07.2025 and they have been living separately for the period of more than one year before filing the present petition for divorce. The cause of action for filing the present case is said to be arisen on 15.05.2023 and 10.07.2025. The proper court fee has been paid. Hence the suit as framed is maintainable.

**(viii) Whether the applicants are entitled to get a decree for divorce with mutual consent-** The present petition has been filed on 24.09.2025. Reconciliation has been made twice in between the parties and the same got failed. Their case has also been sent to mediation center where mediation has been made and points of agreement have been formulated by the mediator and thereafter the case has been received in this court. Period of six months has already been expired and the period of eighteen months has not been expired from the date of filing of the present petition. Both the applicants have supported the averments of the petition and they have clearly stated regarding their consent for getting the decree of divorce. Reconciliation has been failed twice. They have been living separately for a period of more than one year before filing of the present case and it appears that their re-union is impossible. The amount of Rupees Nine lakh as permanent alimony has already been paid to the applicant no. 2 (wife) by applicant no. 1 (husband). Hence, it can safely be held that the applicants are entitled to get a decree for divorce with mutual consent.

**11.** Hence it is hereby:

### **ORDERED**

that the petition under Section 13 (B) of the Hindu Marriage Act, 1955 filed on behalf of the applicants is hereby allowed and the marriage between Sonu Kumar Tiwari and Neha Kumari solemnized on 11.03.2023 according to Hindu rites and customs is hereby dissolved by a decree of divorce with mutual consent with effect from the date of this order that is from 27.07.2026.

Interlocutory applications pending, if any, stand disposed of. O.C. is directed to prepare the decree accordingly and thereafter to consign the case record in the record room as per rules. No order as to cost.

**Dictated & Corrected**

**Dictated**

**(DHIRENDRA BAHADUR SINGH)  
Principal Judge,  
Family Court. Gopalganj  
Dated – 27.07.2026**

**(DHIRENDRA BAHADUR SINGH)  
Principal Judge,  
Family Court. Gopalganj  
Dated – 27.07.2026**

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