

In the Court of Principal Judge, Family Court, Siwan
Present- Manoj Kumar-II, Principal Judge Family Court.

Divorce Case No.- 38/2026
U/s 13B of Hindu Marriage Act
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1. Rajanikant Singh, aged 30 years, S/o-Vishram Singh, Village+P.O.-Bhikhpur Bhagwanpur, P.S.-M.H. Nagar, District-Siwan, Pin code-841236, Mob. No.-9905765262.

..... Petitioner No.1

And

2.Smriti Devi @ Smriti Kumari Singh, aged 26 years, W/o-Rajnikant Singh, Village+P.O.-Bhikhpur Bhagwanpur, P.S.-M.H. Nagar, District-Siwan.

At present-Subhash Rai, village-Hathua Kothi, Ramji Chak, Digha, Bataganj, Patna(Bihar), Pin code-800018, Mob. No.-7209289571.

..... Petitioner No.2

Learned Counsel for the Petitioner No.- 1	- Ld. Advocate Sri Shashi Nandan Shrivastava
Learned Counsel for the Petitioner No.- 2	- Ld. Advocate Sri Satish Chandra Shrivastava

Date of Judgment- 26.05.2026

JUDGMENT

1. The petitioners named above, instituted instant petition on 28-03-2026 u/s 13B of the Hindu Marriage Act, 1955, seeking dissolution of their marriage by way of mutual consent.
2. As per the case of the parties, the petitioners were married to each other on 29.01.2024 as per the Hindu rites and customs in presence of their parents and relatives. After the marriage, petitioner No.2 went at her matrimonial home on 30.01.2024 where the petitioner No.1, his family and relatives gave petitioner No.2 a grand welcome. Immediately after the marriage, the relationship between the petitioner No.1 and the petitioner No.2 began to deteriorate, leading to a disconnect in their personal lives, resulting in a disconnecting between them, and they stopped to communicate and began to remain alone each other. When their parents and family members became aware of the deteriorating marital relationship, they attempted to persuade and distance themselves, but neither was willing to mend the relationship. Even the efforts of their relatives had no effect. The petitioner No.2 did not want to live in petitioner No.1's house under any circumstances, and as a result, petitioner No.2 left for her parental home on 24.02.2024. Thereafter, the petitioner No.1 went several times to bring the petitioner No.2, but she refused to come back. Petitioner No.1 filed a Restitution of Conjugal Rights Case No.124/2025, after which all possibility of reconciliation between the petitioner No.1 and petitioner No.2 was completely failed, both parties mutually agreed to end their marital relationship and obtain a divorce by mutual consent. It was also agreed between them that petitioner No.1 would pay Rs.3,00,000/-(Rupees Three Lakh) as a permanent alimony to the petitioner No.2. It is also agreed as per mutual consent, that petitioner No.1 will pay the lump sum amount to petitioner No.2 through a Bank Draft in her name,

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which will be filed before the court and petitioner No.2 will receive from the court after her final testimony(at the time of second motion). Petitioner No.2, after receiving the lump sum maintenance amount, will not demand any further payment from the petitioner No.1, nor will she make any claim or counter claim against the petitioner No.1's property. After the divorce, both the parties will be free to live their lives as per their own wishes and to marry as per their wishes. It has also been agreed between them that R.C.R. Case No.124/2025, which is pending in this court will also be disposed. They have been living separately since 24.02.2024 and all possibilities of reunion between them have now ended. They both filed a divorce suit by mutual consent. At last prayed for a decree of divorce.

3. First motion was completed on 06-04-2026. Conciliation proceedings were conducted to explore the possibilities of parties living together and maintaining matrimonial relations, but failed. Parties were found adamant to dissolve their marriage at the time of first motion. They also filed application on 21-05-2026 supported with affidavits of parties, for waiving the statutory cooling period of 6 months, and for granting the decree of divorce. It is mentioned in the the affidavit that the petitioner No.1 who is employed at HEJSCO Kuwait, has been granted leave from the Company from 28.02.2026 to 02.05.2026, on the basis of which petitioner No.1 has returned home. The date is fixed for today, while petitioner No.1's leave expires on 29.05.2026. if the petitioner No.1 fails to report to his job place of duty, he will lose his job. The conciliation has already failed, there is no possibility for the parties to reconcile. There are no disputes relating to permanent alimony, maintenance, stridhan, dowry articles and other claims, both parties undertake not to raise any claim against each other in future.
4. At the time of second motion on 23-05-2026, both parties affirm their intention to dissolve their marriage and reiterated that owing to difference in their nature, incompatible temperament, they cannot continue and maintain matrimonial relationship with each other. Petitioners admit that nothing is due or outstanding between them. They have agreed to dissolve the marriage by their own free will and consent. The consent has not been given by each of parties by fear, force, fraud, coercion or undue influence. They have no child from this marriage. In furtherance of settlement between the parties, the petitioner No.1/husband will pay to the petitioner No.2/wife, a sum of Rs. 3,00,000/- (Three Lakh Rupees), and she has been received Rs. 3,00,000/-(Three Lakh Rupees) has been received

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through D.D. bearing No.048884 of IndusInd Bank, dated 29.04.2026, at the time of second motion. She will not make any claim against the petitioner No.1 in future. She also expressed her desire for granting a decree of divorce on mutual consent. The same thing is admitted by the petitioner No.1 in his deposition.

5. In **Amit Kumar vs. Suman Beniwal, 2021 SCC Online SC 1270** it was held by Hon'ble Apex Court that-

For exercise of the discretion to waive the statutory waiting period of six months for moving the motion for divorce under section 13B of the Hindu Marriage Act, the court would consider the following amongst other factors:-

- (i) the length of time for which the parties has been married;*
- (ii) how long the parties had stayed together as husband and wife;*
- (iii) the length of time the parties had been staying apart;*
- (iv) the length of time for which the litigation had been pending;*
- (v) whether there were any other proceedings between the parties;*
- (vi) whether there was any possibility of reconciliation;*
- (vii) whether there were any children born out of the wedlock;*
- (viii) whether the parties has freely, of their own accord, without any coercion or pressure, arrived at a genuine settlement which took care of alimony, if any maintenance.*

6. In the present case, the parties were married on 29.01.2024, admittedly, the parties have been living separately from 24.02.2024, and no cohabitation took place between them during this period. Present petition has been filed on 28-03-2026 that is after two years and one month of living separate. As of now, the parties have been living separate for around two years and three months and no possibility of restoring their matrimonial relationship appears, despite efforts made by relatives and the court. First motion was completed on 06-04-2026. Second motion was completed on 23-05-2026. The parties have now mutually settled all their disputes including alimony, maintenance etc. The petitioner No.1 is to report on his job at HEJSCO Kuwait on 29.05.2026. he has filed a photocopy of his Air Ticket from Delhi to Kuwait on 29.05.2026 along with the photocopy of his I-Card issued by his Company. Therefore, in the light of law as laid down by Hon'ble Apex Court in Amit Kumar's case (supra), the instant petition falls under such special category of the cases where no useful purpose

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would be served by making the parties wait for statutory cooling period, except prolonging their agony.

7. Considering all these facts and circumstances, waving off statutory cooling period between the first motion and the second motion, the petition u/s 13(B) of the Hindu Marriage Act, 1955 filed on behalf of the petitioners is hereby by **allowed**. Accordingly, the marriage between Rajanikant Singh (petitioner No.- 1) and Smriti Devi @ Smriti Kumari Singh (petitioner No.- 2) is hereby dissolved by way of decree of divorce on mutual consent on the above terms as agreed between the parties.
8. Copy of the judgment be given free of cost to the parties. Office is directed to consign the record to the record-room after completing formalities.

Dictated & corrected

(Manoj Kumar-II)
Principal Judge
Family Court, Siwan
Dated: 26th of May, 2026.

Pronounced in the open court

(Manoj Kumar-II)
Principal Judge
Family Court, Siwan
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