

KABR310004462026



**IN THE COURT OF THE PRINCIPAL SENIOR CIVIL
JUDGE & J.M.F.C., AT DEVANAHALLI**

PRESENT

SRI. NATARAJ YADAV .S, M.B.A., LL.B.,

*Prl. Senior Civil Judge & J.M.F.C.,
Devanahalli.*

Dated this day of 06th July, 2026

M.C.No.25/2026

BETWEEN:

1. Smt. Nandakumari.V @ V. Shubashree
S/o Venkatesha chari @ Venkatesh charya
W/o Shashikumar @ V. Keerthikumar
Aged about 32 years,
R/at: Shantinagar, Ward No.18,
Vijyapura Town,
Devanahalli Taluk,
Bengaluru Rural District

: Petitioners

2. Sri. Shashikumar @ V. Keerthikumar
S/o Venugopala charai @ Venugopala charya
Aged about 38 years,
R/at: Mandibele Road,
Ward No.9,
Vijyapura Town,
Devanahalli Taluk,
Bengaluru Rural District

(Pets. - By Sri. N.K., Advocate)



AND:

Nil

: Respondent

ORDERS

Smt.Nanda Kumari V @ V. Shubashree and Sh. Shashikumar @ V.Keerthi Kumar., both the above mentioned petitioners, have jointly filed this petition u/s.13-B of the Hindu Marriage Act, 1976 (herein after referred to as the 'Act') for the dissolution of their marriage by a decree of divorce by mutual consent.

2. The Court has made efforts for reconciliation between the parties, however, the efforts for reconciliation have not yielded any result as it is submitted by the petitioners that they want to part ways and take a divorce by mutual consent in terms of the compromise effected between them. Consequently, the joint statement of both the petitioners has been recorded on 01.07.2026.

3. I have heard both the sides at length and have also carefully perused the entire material on the record including the joint statement of the petitioners, relevant provisions of law and the precedents on the point.

4. The record reveals that the marriage between the petitioners was solemnized on 14.03.2014 at Subbamma Chenappa Samudhaya Bhavana, Vijayapura Town, Devanahalli, in



the presence of elders and well-wishers, according to Hindu customs and rituals prevailing in their community. After the marriage the started to reside and lead happy married life in matrimonial home at Vijaypuara. Out of their wedlock, one issue was born to them. Thereafter, there arose difference crept in between them for silly matters, due to the difference in their temperament and attitude and that on May 2017 1st petitioner left the matrimonial home and started to reside in the parental home at Vijayapura. Even though several Panchayaths held in the presence of elders and well-wishers to reconcile in between them, but the same are went in vain. Even 125 C.R.PC and G & WC proceeding were initiated and thereby relationship is strained and now there is no possibility of their living together as husband and wife. Furthermore, the 2nd petitioner agreed to pay a sum of Rs.2,50,000-00 to the 1st petitioner towards permanent alimony and 1st petitioner agreed for the same. Further the 1st petitioner has paid a sum of Rs.2,50,000-00 at the time of trial, 1st petitioner received the same. The marriage of the petitioners has broken down irretrievably and now there is no possibility of their living together as husband and wife. They have settled all their claims and disputes as per terms and conditions mentioned in the petition. There appears to be no collusion between the parties and the petitioners have stated their consent is free from fraud and force. It has also been mutually agreed between the petitioners that neither of the petitioners shall claim any right against each other in future. Further both have exchanged their



valuables given at the time of marriage. Further they agreed to withdraw the cases filed against each other if any pending. Both the petitioners have undertaken to abide by the terms and conditions as elaborated and as set out in the petition.

5. Both the petitioners have made a similar joint statement before the Court on 01.07.2026.

6. In a petition u/s.13-B of the Hindu Marriage Act, 1955, both the parties have to prove:-

- i. that they are Hindus;*
- ii. their marriage was solemnized according to Hindu rites and ceremonies;*
- iii. that they are living separately for a period of one year or more;*
- iv. that they will not be able to live together in future; and*
- v. that they have mutually agreed to dissolve their marriage.*

Prior to marriage laws (amendment) Act 1976, the concept of wrong or disability was the sole basis of relief under the Hindu Marriage Act, 1955. But now, under Section 13 B, divorce can be granted, if there is irretrievable break down of marriage. Section 13-B recognizes that in case of irretrievable estrangement of the couple, the Court should lean in favour of severance of the matrimonial tie.



7. In **K.Omprakash vs. K.Nalini (1987) 2 Hindu LR 230: (AIR 1986 Andh Pra 167)**, the Division Bench observed that Section 13-B has radically changed the old concept of Hindu Marriage being a sacrament by treating it as an ordinary form of contract which the parties can enter into and put an end to like any other contract by mutual consent and that the liberalizing trend of law in the matter of granting divorce by consent cannot be lost sight of by Courts in interpreting this section. It was observed that the time specified in sub-section (2) of Section 13 B. "is the last hope of the Legislature for saving the marriage".

8. Having pondered over the facts and circumstances of this case and keeping in mind the spirit and legislative intent behind section 13 B of the Act, the joint petition of the parties under section 13 B (1) is accepted.

9. The parties have settled their disputes qua all claims including istridhan, permanent alimony and maintenance outside the Court. Both the petitioners have to settle in life and career, and are unable to live together and also after considering the larger interest of the parties. There does not appear any possibility of reconciliation and both the petitioners appear to be sufficiently mature so as to understand the implications and effects of the divorce as they are certain that they want to part ways.

10. They also stated that they have voluntarily decided to dissolve the marital tie and there is no force, fraud or undue



influence on them. They also stated that they had not colluded with each other.

11. The conscience of this Court is, therefore, completely satisfied that the requirements of Section 13-B (1) of the Hindu Marriage Act, 1955 have been duly satisfied in this case. Accordingly, this present petition u/s. 13-B (1) of the Hindu Marriage Act, 1955 deserves to be allowed.

12. However, the marriage of both the petitioners namely Smt.Nanda Kumari V @ V. Shubashree and Sh. Shashikumar @ V.Keerthi Kumar cannot be dissolved immediately and straightway in view of the provisions of Section 13-B (2) of the Hindu Marriage Act, 1955. In view of specific provisions of Section 13-B (2) of the Hindu Marriage Act, 1955, ibid which requires the parties to wait, at least, for a period of six months from the date of presentation of their first motion petition and then on the filing of second motion after the stipulated period of six months but within the period of eighteen months, the relief of divorce by mutual consent can be granted to the parties concerned, if they fail to resume cohabitation. In this view of the legal position, parties are advised to make further efforts for reviving their nuptial relationship. If they fail to effect reconciliation and still wish to part ways permanently, they may approach the Court as per the provisions of Section 13-B (2) of the Hindu Marriage Act, 1955, for seeking dissolution of marriage on the basis of mutual consent.



13. Both the petitioners namely Smt.Nanda Kumari V @ V. Shubashree and Sh. Shashikumar @ V.Keerthi Kumar., are therefore, advised to try to live together and to patch up their differences in due course of time.

14. In case, they fail to do so, they may move their second motion petition within the statutory period in accordance with law.

15. In the backdrop of the above discussions, I proceed to pass the following;-

ORDER

Petition u/s.13-B (1) of the Hindu Marriage Act, 1955 is hereby allowed.

The parties are advised to make further efforts for reconciliation in order to save this marriage. In case they are unable to do so, the parties may come up with the petition of second motion under Section 13-B (2) of the Hindu Marriage Act as per law.

Put up on 5.1.2027

(Dictated to the Stenographer on computer, typed by her, revised, corrected and then pronounced by me in the open Court on this the **06th day of July, 2026.**)

Sd/-
(NATARAJ YADAV .S)
Prl. Senior Civil Judge & JMFC.,
Devanahalli.



ANNEXURE

Witness examined for the Petitioners :

PW.1 : Smt. Nandakumari @ V.
Shubashree

PW.2 : Sri. Shashikumar @ V. Keerthikumar

Documents exhibited for the Petitioner :-

Ex.P1 : Certified Copy of Marriage Invitation
Card

Ex.P2 & P3 : Certified Copy of the marriage photos

Ex.P4 & 5 : Both petitioners Aadhaar Card copies

Witness examined for the Respondent/s :

- NIL -

Documents exhibited for the Respondent/s:

- NIL -

Sd/-
(NATARAJ YADAV .S)
Prl. Senior Civil Judge & JMFC.,
Devanahalli.