

MHTH020017362025



Presented on : 04.07.2025
Registered on : 04.07.2025
Decided on : 06.01.2026
Duration : 00Y. 06M. 02D.

IN THE COURT OF 2nd JOINT CIVIL JUDGE, SENIOR DIVISION,
THANE

(Presided over by Shri. P. A. Patki)

Marriage Petition No.166/2025
Exh. No.08.

XXXXXXXXXXXXXXXXXX,

Age : 36 years, Indian Inhabitant,
R/o. : A-204, Akshat, Prem Nagar,
Near Shanti Garden, Mira Road (East),
VTC Thane, P.O. Mira Road,
District-Thane, Maharashtra,
Pin Code – 401107.

...Petitioner No.1

AND

XXXXXXXXXXXXXXXXXX,

Age : 34 years, Indian Inhabitant,
R/at : A-304, Akshat, Prem Nagar,
Near Shanti Garden, Mira Road (East),
VTC Thane, P.O. Mira Road,
District-Thane, Maharashtra,
Pin Code – 401107.

...Petitioner No.2

.....
Petition for divorce by mutual consent under
Section 13-B of the Hindu Marriage Act, 1955.
.....

Appearance :

Ld. Advocate Kiran Tarachandani for Petitioner No.01 and 2.
.....

: JUDGMENT :

(Delivered on this 06th day of January, 2026)

The petitioners have filed this petition for mutual divorce U/sec.13-B of the Hindu Marriage Act, 1955.

2. In brief, it is submitted that the marriage of petitioners was solemnized on 19.02.2017 at Seasons Banquet Hall, Mira Road. The said marriage is registered. The said marriage was arrange marriage. There is one issue born out of the said wedlock named, “Kabeer” who is in the care and custody of the petitioner No.2 i.e. mother. Due to serious differences in their nature, habits, thoughts, temperament, the petitioners stated that they are unable to cohabit and reside together peacefully as husband and wife. Due to increasing incompatibility, the relationship between them deteriorated. Several reconciliation efforts were taken but could not yield any fruits. On account of such disputes and differences, petitioners are residing separately since 08.01.2024. After due consideration on all the aspects, both the petitioners have mutually agreed and decided to settle their dispute by way of mutual divorce on certain terms and conditions. Hence, both petitioners mutually agreed for dissolution of their marriage.

3. Petitioners have filed consent terms and agreed to act as per those consent terms. There is no possibility of re-union between them and they have decided to dissolve the marriage by decree of divorce. Hence, this petition for dissolution of their marriage by

mutual consent.

4. The petition was presented on 04.07.2025. Thereafter, the matter was kept for reconciliation between the parties. The petitioners were given time till date which is more than six months to reconsider their prayer as to dissolution of marriage. But the petitioners have not changed their minds.

5. The points for determination along with my findings thereon with reasons therefore, are as follows :

<u>SR. NO.</u>	<u>POINTS</u>	<u>FINDINGS</u>
1.	Whether the petitioners are entitled to decree of divorce by mutual consent u/sec.13-B of the Hindu Marriage Act, 1955 ?	...Yes.
2.	What order and decree?	...Petition is allowed.

:: REASONS ::

6. In order to establish the claim, petitioner Nos.1 and 2 have submitted their affidavits vide Exh.05 and 06 respectively. Petitioners have filed certain documents viz., marriage photograph (Exh.3/1), marriage invitation card (Exh.3/2), marriage registration certificate (Exh.3/3), copies of Aadhar card of the petitioners (Exh.3/4 and 3/5), consent terms (Exh.3/6) and copy of birth certificate of petitioner's son (Exh.3/7). Vide pursis Exh.7, petitioners have closed their evidence.

AS TO POINT NOS.1 AND 2:-

7. For decree of dissolution of marriage by mutual consent U/sec.13-B of the Hindu Marriage Act, 1955, the Court has to see that :

- (i) The marriage has been solemnized between the parties;
- (ii) The parties have been living separately for more than one year before presenting the petition;
- (iii) They are not able to live together since the time of presenting the petition and continued to live separate;
- (iv) They mutually agreed to dissolve the marriage before or at the time of presentation of petition;
- (v) Averments made in the petition are true and conditions u/sec.23 of The Hindu Marriage Act, are fulfilled.
- (vi) Six months time elapsed from the date of filling petition.

8. The petitioner Nos.1 and 2 have filed their affidavits at Exh.05 and 06 respectively. The above requirements are satisfied. The parties have deposed that due to their incompatible nature, temperaments, etc. they have not been able to live together. As agreed by them, there is no dispute pending amongst them.

9. Parties are residing separately since 08.01.2024 and they have decided to take mutual divorce from each other. The mediation efforts have failed. After making inquiry with the petitioners, I find that the averments in the petition are true. It appears from the pleading and the inquiry made with petitioners that their marriage

has come to the complete break down and there is no scope of reconciliation. Under such circumstances, it is very clear that the petitioners are not able to live together in matrimonial relation. Therefore, the marriage between the petitioners is required to be dissolved by decree of divorce. The parties have stated about their inter-se arrangement in regard to the child, who is in the custody of petitioner No.2. Hence, I answer point No.1 in the affirmative and in answer to point No.2, I pass the following order:-

:: ORDER ::

1. The petition is allowed.
2. The marriage between **petitioner No.1** ~~XXXXXXXXXXXX~~ and **petitioner No.2** ~~XXXXXXXXXXXX~~ solemnized on 19.02.2017 is dissolved as per Section 13-B of the Hindu Marriage Act, 1955.
3. No order as to costs.
4. Copy of decree be given to the parties free of cost vide Sec.23(4) of The Hindu Marriage Act, 1955.
5. Decree be drawn up accordingly.

(Dictated and pronounced in open Court.)

Place :- Thane
Date :- 06.01.2026

(P. A. Patki)
2nd Joint Civil Judge Senior Division,
Thane