



IN THE COURT OF THE SUBORDINATE JUDGE, ARAKKONAM

Present: Thiru. R.Subramanian, M.A.,B.Ed., B.L., D.L.L.,
Subordinate Judge, Arakkonam

Friday this, 14th day August 2026

Hindu Marriage Original Petition Number 183/2025

(C.N.R.No.TNRP060007772025)

1. R. Dhilipkumar	.. 1 st Petitioner
2. D.Saranya	.. 2 nd Petitioner
.Vs.	
Nil	.. Respondent

This Petition coming up for final hearing before this court on 05.08.2026 in the presence of the Learned counsel Thiru. N. Lakshmipathi, for the petitioners and upon heard the submission advanced and on perusal of material records and having stood over for consideration till this date, this court doth pass the following:

ORDER

The Petitioners/ husband and wife, herein jointly filed this petition under Section 13(B) of the Hindu Marriages Act 1955, praying for a decree of divorce by mutual consent, dissolving their marriage solemnized on 07.11.2014 at Sri Gopi Krishna Kalyana Mandapam at Arakkonam to Sholinghur road, KPR Nagar, Kumpinipet.

2. Gist of Averments in the Petition:

i. It is the case of the Petitioners that their marriage solemnized on 07.11.2014



at Sri Gopi Krishna Kalyana Mandapam at Arakkonam to Sholinghur road, KPR Nagar, Kumpinipet with Hindu rites and customs.

ii. The petitioners started their matrimonial life in bridegroom residence. Since the date of marriage there was a difference of opinion and misunderstanding between them they lived separately from October 2023. Therefore, the Petitioners/ Husband and wife jointly filed this application seeking dissolution of their marriage with consent of each other.

iii. The petitioner further contended that after their marriage they were lived together in the matrimonial home for the period of 9 years. Their after, they have developed their misunderstanding. Accordingly they run their life without adjustment and understanding, which leads to live them separately from October 2023.

iv. It leads a peak of their matrimonial life to end. They lived separately and also further development of the misunderstanding run rabidly even if they lived separately with small unwanted quarrels. They have lived separately with mental agony each from October 2023. In their matrimonial life they have one male child namely D. Yogeshwaran and one female child namely D. Tamanna Sai.

v. Good will of their life, their parents, elders of their family, friends and well wishers took compromise talk between them, but all the efforts has been ended in vain.



vi. After they have appeared before this court for mutual consent of divorce, this court send them to the mediation which also failed. Even after they have been given cooling period of six months to them for reunion of their matrimonial life. All the efforts taken to them for reunion end in vain. They have not interested to rejuvenate their life and also no changes to co-habitation. They lived separately for a period of two years. Here after there is no possibilities to reunion of their matrimonial life and they decided to dissolve the marriage and filed this application seeking divorce of dissolution of their marriage held on 07.11.2014 at Sri Gopi Krishna Kalyana Mandapam at Arakkonam to Sholinghur road, KPR Nagar, Kumpinipet.

vii. Further the petitioner submitted that the 2nd petitioner has permitted to see the child in any one day in a month and maintain them. In view of the amicable settlement arrived between the petitioners and both petitioners exchanged their articles. The 2nd petitioner has also promised that she will not claims against each other in respect of their properties concerned including claim for maintenance against each other. Hence both petitioners have mutually exchanged their articles. The petitioners agreed between themselves that the child will remain under the custody of the 2nd petitioner wife. The 1st petitioners agree and promise in future all the wealth and property belongs to sole proprietor of their children.

3. To prove the petition, both the petitioners/ husband and wife were examined as P.W1 and PW2. Ex. P1 to P5 were marked through the 1st petitioner/husband and



Ex.P6 through the 2nd petitioner/wife. The Marriage invitation dated 07.11.2014 was marked as Ex.P1, Marriage Photo copy of the petitioners/ husband and wife was marked as Ex.P2. Petitioners son Yogeshwaran birth certificate was marked as Ex.P3. Petitioners female child Tamanna sai birth certificate was marked as Ex.P4. Xerox copy of Aadhar card of 1st petitioner was marked as Ex.P5. Xerox copy of Aadhar card of 2nd petitioner was marked as Ex.P6.

4. The Points for consideration:

1. Whether the petitioners has proved their marriage?
2. Whether the petitioners were entitled for a decree of divorce by mutual consent and deserves to be allowed?
3. To what other reliefs,if any to the petitioners?

5. Findings:

i. The Petitioners/ Husband and wife jointly appeared and filed this application before this court on 18.11.2025 they have been inquired about their matrimonial disputes of their matrimonial.

ii. Both the petitioners/husband and wife those who were living separately for the past two years. They have filed this application stating that they have been living separately for more than two years and they had mutually consented to divorce. They appeared before this court on 21.11.2025 this court made on inquiry and adjourned the case for cooling of period to reunion if any.



iii. They appeared and stated that their marriage was irretrievably broken down and sought for divorce. They appeared with more development of their misunderstanding and non adjustment. Upon the inquiry made by this court no further chance to reunion, therefore this court called upon them to proceed with their application.

6. To prove, the case of the petitioners, the 1st petitioner/husband was examined as PW1 and Ex.P1 to Ex.P5 were marked. The 2nd petitioner /wife examined as PW2 with her Ex.P6 was marked.

7. On perusal of the proof affidavit filed by the petitioners their marriage was admitted by them and they had two children upon their matrimonial life. The marriage was solemnized between them on 07.11.2014 at Sri Gopi Krishna Kalyana Mandapam at Arakkonam to Sholinghur road, KPR Nagar, Kumpinipet and they had lived together for a period of 9 years.

8. It is a joint petition filed by the petitioner No.1/husband, Petitioner No.2/ wife praying for dissolution of their marriage by mutual consent. Their marriage solemnized on 07.11.2014 at Sri Gopi Krishna Kalyana Mandapam at Arakkonam to Sholinghur road, KPR Nagar, Kumpinipet as per the Hindu rites and customs and their marriage is still subsisting. They further stated that they were living separately from October 2023 for their misunderstanding, they have no chance to reunion even after their elders and parents have been taken highly effort their reunion. The



petitioners were not interested to continue and reunion of their matrimonial life.

9. The petitioner further stated that the 2nd petitioner has permitted to see the child in any one day in a month and maintain them. In view of the amicable settlement arrived between the petitioners and both petitioners exchanged their articles. The 2nd petitioner has also promised that she will not claims against each other in respect of their properties concerned including claim for maintenance against each other. Hence both petitioners have mutually exchanged their articles.

10. In the case in hand, their was no chance to re-union and there was no chance forthwith to live together and they have mutually agreed for dissolution of their marriage. The petitioners presented their wedding invitation, photo which was taken on their marriage and Aadhar cards to prove their marriage by which, they proved their marriage, there is no dispute between them with regard to their marriage and also there was one male child and one female children upon their matrimonial life.

11. The Petitioners have filed this application on 18.11.2025 nearly after 11 years from their marriage.

12. The petitioners have filed this petition for consent divorce on 11.11.2025 on perusal of the records they had married and their marriage was solemnized on 07.11.2014, they have submitted this application before this court only after 11 years from the date of their marriage.



13. As per the provision under section 14 of Hindu Marriage Act 1955. The petition can be presented seeking consent decree of divorce within one year of the marriage in exceptional hardship or depravity to the petitioner. But this provision could not affect to the present petitioner, because of this petition have been filed only after expiry of one year from the date of marriage as contemplated by provision under section 14 of Hindu marriage Act.

10. Further, According to section 13 B of the Hindu Marriages Act, 1955,

“the Petition for divorce by mutual consent can be filed only on the ground that the husband and wife have 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”.

14. In this case in hand, the petitioners have been living separately from October 2023, they were not able to live together further more and the petition was submitted before this Court on 18.11.2025 (i.e) nearly after eleven years as they have mutually agreed that the marriage should be dissolved. Hence, the statutory requirement for filing the petition for dissolution of the marriage also stands fulfilled.

11. According to Section 13 B(2) of the Hindu Marriages Act, 1955:-

“ 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”

15. In this case, when the petitioners appeared with this application the petitioners were inquired and given chance to reunion for their matrimonial life with cooling off period of six months with direction to withdrawn the application whenever they like, and live together, with this the case was adjourned to 15.06.2026.

16. In the present case, the Petitioners were living separately from October 2023 for nearly one year, before presenting this original petition on 18.11.2025. The fact reveals that there is no reasonable probability for reunion the petitioners. The mediation turned futile as stated by the parties in their affidavits and while so, further delay in disposal will lead to annoyance and hardship.

17. On considering this application would revealed that there was no collusion or coercion between the parties to file this petition. The evidence of PW1/husband and PW2/ wife would clearly revealed that there is no possibility to reunion. The 2nd petitioner has permitted to see the child in any one day in a month and maintain them. In view of the amicable settlement arrived between the petitioners and both petitioners exchanged their articles. The 2nd petitioner has also promised that she will not claims against each other in respect of their properties concerned including claim for maintenance against each other. Hence both petitioners have mutually exchanged their articles.



18. In the view of the above, there was no possibilities to the petitioners/ husband and wife to reunion further more on their life. If they they forced to live together cause more danger to their life. Therefore this court is satisfied with their prayer and felt to dissolve their marriage solemnized between them on 07.11.2014 at Sri Gopi Krishna Kalyana Mandapam at Arakkonam to Sholinghur road, KPR Nagar, Kumpinipet.

19. In the result, this Petition is herewith allowed, passing a decree of divorce declaring dissolution of the marriage between the Petitioners solemnized on 07.11.2014 at Sri Gopi Krishna Kalyana Mandapam at Arakkonam to Sholinghur road, KPR Nagar, Kumpinipet with effect from the date of the decree. No costs.

Dictated by me to the Steno – Typist, directly computerized by her, corrected and pronounced by me in the open court on this 14th day of August 2026.

Subordinate Judge,
Arakkonam.

Petitioners' side Witnesses:

PW1	Dhilipkumar
PW2	Saranya



Petitioner side Exhibits:

S.No.	Exhibits	Date	Description of the Document
1.	Ex.P1	07.11.2014	Marriage Invitation
2.	Ex.P2	-	Marriage photograph
3.	Ex.P3	-	Petitioners male child namely Yogeshwaran birth certificate
4.	Ex.P4	-	Petitioners female child birth certificate
5.	Ex.P5	-	Xerox copy of Aadhar card of 1 st petitioner
6.	Ex.P6	-	Xerox copy of Aadhar card of 2 nd petitioner

Subordinate Judge,
Arakkonam.