

xxxx vs xxxx

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In the court of Anubhav Sharma,

Additional District Judge,

Palwal.

U.I.D.No. HR0161

CNR No.HRPL01-002887-2018

CIS No. : HMA 182/2018

HMA Petition No : 183

Date of Institution : 06.07.2018

Date of Decision: : 08.01.2019

xxxx wife of xxxx and daughter of Pawan, age 24 years resident of Krishna Colony, Palwal, District Palwal.

Petitioner no.1

And

xxxx son of Narender Kumar Mittal, resident of Mohalla Kaziwada, palwal, Tehsil and District Palwal.

Petitioner no.2

**Petition under section 13-B of Hindu Marriage Act
1955 for dissolution of marriage by mutual consent**

Present: Petitioner No.1 in person with Sh. Subhash Sharma,
Advocate

Petitioner no.2 in person with Sh. Lalit Gupta, Adv.

JUDGMENT:

The judgment culminates present petition filed by the parties under Section 13-B of the Hindu Marriage Act, 1955 for a decree of divorce by mutual consent.

2. The averments are that the marriage between the parties to the petition was solemnized on 20.05.2015 at village Arya Samaj Mandir, Sector-19, Faridabad as per Hindu rites and ceremonies. The petitioners lived together as husband and wife and cohabited and out of the wedlock, no child was born. Due to

Anubhav Sharma
ADJ,PWL:08.01.2019
UID-HR-0161

temperamental differences the petitioners are living separately since 12.11.2015. Many efforts were made by family members and relatives of petitioners for their reunion but in vain. The petitioner no.1 has settled all her dispute including istridhan, dowry articles and permanent alimony etc in the sum of Rs. 1.50 lacs. It has been prayed that the marriage between the parties be dissolved by mutual consent under Section 13-B of the Hindu Marriage Act, 1955.

3. The parties appeared on 06.07.2018 when their joint statement was recorded in which they stated that they were married on 20.05.2015. Out of the wedlock, no child was born. The petitioners have settled all their disputes including istridhan, permanent alimony etc in the sum of Rs. 1,50 lacs which shall be paid at the time of recording second motion statement. Now they are living separately from each other since 12.11.2015 with mutual consent, due to temperamental differences. Matter is compromised between the parties and in future they will not take any action qua each other.

4. The parties were given an opportunity for reconciliation and accordingly matter was adjourned from 06.07.2018 to 08.01.2019.

5. Thereafter, on 08.01.2019 ie today joint second motion statement of the parties has been recorded in which they stated that after making first motion statement in the court on 06.07.2018, there has been no change in their decision. Petitioner no.1 has settled her disputes including istridhan, dowry articles and permanent alimony in the sum of Rs. 1.50 lacs which has been received by petitioner No.1 from petitioner No.2 in the form of demand draft No. 756761 dated 07.01.2019 drawn on "Yes

Bank” Palwal other than Rs. 15000/- in cash. They have been residing separately since 12.11.2015. Petitioner No.1 shall not claim anything in future on any count. They have prayed for a decree of divorce by mutual consent under section 13-B of Hindu Marriage Act.

6. After going through the material on the file and hearing the learned counsel for the parties the court is satisfied that the marriage was solemnized between the parties and they have been living separately for more than one year before institution of the petition and they have mutually agreed that marriage should be dissolved. Thus, the present petition is accepted and the marriage of the parties is hereby dissolved by a mutual consent decree of divorce under Section 13-B of the Hindu Marriage Act, 1955. Decree sheet be prepared and file be consigned to the Record Room.

**Pronounced &checked
three pages each signed**

**(Anubhav Sharma)
Addl. District Judge,
Palwal.08.01.2019
UID No.HR0161**

*Typed by
(Ashok Khatter/Stenographer Gr.I)*

xxxx vs xxxx

4

CNR No.HRPL01-002887-2018

CIS No. : HMA 182/2018

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Present: Petitioner No.1 in person with Sh. Subhash Sharma,
Advocate
Petitioner no.2 in person with Sh. Lalit Gupta, Adv.

Heard. Parties were given opportunity for reconciliation,
however, the same failed. The matter is fixed for recording
statement of second motion and the same was recorded in the
presence of counsels.

Heard. Vide my separate judgment of even date, the
petition has been allowed. Decree sheet be prepared and file be
consigned to records.

Pronounced

Anubhav Sharma,
Addl. District Judge
Palwal. 08.01.2019
UID No.HR0161

Ashok Khatter
Stenographer Gr.I

Anubhav Sharma
ADJ,PWL:08.01.2019
UID-HR-0161

4 to 3