

CNR No. MHTH020023502022	Presented on : 23/03/2022
	Registered on: 23/03/2022
	Decided on : 25/01/2023
	Duration : Y M D
	00 10 02

IN THE COURT OF THE 4th JOINT CIVIL JUDGE, SENIOR DIVISION,
THANE, DIST. THANE

(Presided over by – Archana S. Nalge)

Marriage Petition No. 382/2022

Exh. No.

XXXXXXXXXXXXXXXXXXXX
age – xx years, Occ.- XXXXXXXXXXXX
R/at:- XXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX

Versus

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXXXXXX
Age – xxx years, Occ.- XXXXXXXXXXXX
R/at : XXXXXXXXXXXXXXXXXXXXXXXX,
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Petitioner No.1.

Petitioner No.2.

Appearance :

Ld. Advocate- Keches Shilwante for the petitioner No. 1 & 2.

: J U D G M E N T :

(Delivered on this 25th day of January, 2023)

The petition for decree of dissolution of marriage by divorce by mutual consent under section 13-B of the Hindu Marriage Act.

2) The pleading of the parties in brief is as follows. The petitioner No.1 and 2 got married on xxxxxxxx at xxxxxx xxxxxxxx xxxxxxxxxx xxxxxxxxxxxxxx xxxxxxxx xxxxx as per Hindu Marriage Act. Out of this wedlock petitioners have two boys namely Divyanshu Agarwal aged 12 years and another boy namely Dakshesh Agarwal aged 07 years. During cohabitation, the differences arose in between them. The attempts of persuasion by the relatives became in-vain. Petitioners have been living separately since xxxxxxxx. The petitioners have realized that there is no possibility of the reunion in between them. Hence, they have decided to dissolve the marriage by divorce by mutual consent. Hence, this joint application for decree of divorce by mutual consent.

3) Petitioner No.1 and 2 have respectively filed affidavits Exh. 05 and 06 stating that they are firm on their decision to go for divorce. Mediation report is filed at Exh. 08 i.e. unsettled. I have also orally inquired to the parties. They stated that they are firm on their decision for divorce.

4) After hearing the parties and upon inquiry, I am satisfied that –

- a) The marriage was solemnized in between the parties as per Hindu Vedic Rites and on the date of the presentation of the petition one years period had elapsed from the date of marriage.

- b) The parties are living separately for more than one year before presenting the petition and that averments of the petition are true.
 - c) The parties were not able to live together at the time of presenting petition and they are continued to live apart.
 - d) The parties have mutually agreed to dissolve the marriage. I am satisfied that the applicants' consent is free and voluntary.
- 5) They have reiterated all those terms and conditions by their affidavits of examination-in-chief. Both petitioners have agreed to abide consent terms filed in their evidence at para no. 9. The petitioner no. 1 shall pay monthly maintenance of Rs. 15,000/- to petitioner no. 2 wife till the children are admitted to the hostel. The petitioner no. 1 shall bear educational expenses of both children. Children shall decide with whom they want to spend their vacation. They shall never claim any rights of whatsoever nature upon the movable, immovable properties in future. In the above circumstances, petitioners are entitled for decree of dissolution of marriage by divorce by mutual consent. Hence, the petition is liable to be allowed. In the result, following order is passed.

: Order :

1]	The petition is allowed as under.
2]	The marriage solemnized in between applicant No. 1 xxxxxxxxxxxxxxxxxxxx and applicant No. 2.xxxxxxxxxxxxxxxxxx on xxxxxxxxxxxxxxxxxxxx is dissolved by divorce by mutual consent with effect from the date of the decree.
3]	Draw decree accordingly.

Thane.

Date :-25/01/2023.

(A. S. Nalge)4th Jt. Civil Judge (S.D.), Thane