

KABR210015882022



**IN THE COURT OF THE II ADDL. SENIOR CIVIL JUDGE AND
J.M.F.C. AT ANEKAL.**

Dated this the 23rd day of August, 2023

: PRESENT :

Sri. KRISHNA RAJ K., B.A., LL.B.,
II Addl. Senior Civil Judge & J.M.F.C.,
Anekal.

M.C. No.174/2022

- Petitioners :**
1. Sri. N. Lokesh
S/o Nagaraju,
Aged about 31 years,
R/at No.#8/210,
Manjunatha Layout, Ward No.7,
Anekal Town, Anekal Taluk,
Bangalore Urban District.
 2. Smt. Madhushree R
W/o N. Lokesh,
Aged about 25 years,
R/at Doodaiah Layout,
Bannerughatta Main Road,
Behind Shubamangala Chowtray,
Anekal Town, Anekal Taluk,
Bangalore Urban District.

(Represented by Sri. S.S., Advocate)

V/s

Respondent : NIL

Date of Institution of the Petition : 15-10-2022

Nature of petition : Divorce by mutual
consent

Date of commencement of
recording of the evidence : 14-06-2023

Date on which the judgment
was pronounced : 23-08-2023

Total Duration	:	Year/s	Month/s	Day/s
		00	10	09

(Krishna Raj K)
II Addl. Senior Civil Judge & JMFC,
Anekal.

J U D G M E N T

The petitioners have filed this petition under Sec.13(B) of the Hindu Marriage Act, 1955.

2. Brief facts of the case that the petitioners are husband

and wife, their marriage was solemnized on 18.04.2018. At Sri. Khetra Darmastala Manjunatha Sannidi, Dhakshina Kannada District, according to Hindu rites, customs prevailing in their community and the marriage also registered before Anekal Sub-registrar on 27th April 2018, entered as a ANK-HM23-2018-19 and CD No.ANK6. Out of their wed lock there was no issue, the first petitioner and second petitioner lived at 1st petitioner house period of 06 months. During their joint living, there are several difference of opinion, disharmony and no meeting of mind between them on various and almost all the things, they could not adjust themselves to lead a normal happy married life as husband and wife and further both of them could not discharge their marital obligation to each other as such, they started to live separately from 03 years. The petitioner No.2 is residing separately as mentioned in the cause title since November 2018. It is further submits that, there is no peace and harmony in the life of the petitioners when they were lived together and they have not been able to live together as husband and wife in spite of the best efforts by themselves and advise and mediation by the parents, elders and well-wishers of their respective families. In view of the non-compatibility between the petitioners, the petitioners are residing separately from November 2018. There is no collusion either between the

petitioners or between any of the petitioners in the matter of filing of this petition. In view of irretrievable broke down of marital relationship between the petitioners they have voluntarily decided to dissolve their marriage by way of mutual consent.

4. In order to substantiate the contentions taken by the petitioners, they examined themselves before the court as PW-1 and PW-2 respectively and got marked nine document as Ex.P.1 to Ex.P.9.

5. Heard the arguments of the counsel for the petitioners and perused the available materials on record.

6. Now the points that arise for consideration of this Court are as follows;

(1) Whether the petitioners have made out grounds to grant decree of divorce ?

(2) What order ?

7. The findings on the above points by this Court are as under:

Point No.1 : In the Affirmative,

Point No.2 : As per the final order
for the following ;

:- R E A S O N S :-

8. **Point No.(1):** After presentation of the petition, this court has granted sufficient time for reconciliation. The case was referred to mediation however mediation was failed.

9. The petitioners got examined as PW1 and PW2 and produced marriage invitation card at Ex.P.1, Marriage Certificate at Ex.P.2, Aadhar card at Ex.P.3, Legal Notice at Ex.P.4, Postal Receipts at Ex.P.5 and 6, Postal acknowledgment at Ex.P.7 and 8 and Aadhar card at Ex.P.9. PW1 and PW2 have reiterated the averments of the petition. It is evident from Ex.P.1 and Ex.P.2 that the marriage of the petitioners was solemnized on 18.04.2018 at Sri. Khetra Darmastala Manjunatha Sannidi, Dhakshina Kannada District. In the evidence, the petitioners have categorically stated that they are not ready to live as husband and wife in future and they have decided to dissolve their marriage. The petitioners stated that they have settled their claims, counter claims and maintenance. They have genuinely settled their differences including alimony. Further, they prayed to grant the decree of divorce. Under these circumstances, the court comes to the conclusion that the marriage between the petitioners is broken down and all the efforts made by the elders and also by the court

become futile.

10. It is evident from the record that the petitioner have filed the petition voluntarily, there is no compulsion or undue influence. When both petitioners are ready to dissolve their marriage and not ready to live as husband and wife, then there is no meaning in continuing their relationship. Hence, I am of the opinion that the above petition is to be allowed. Accordingly, point No.1 is answered in the affirmative.

11. **Point No.(2):** In view of my findings on the above point this Court proceeds to pass the following :-

:- O R D E R :-

The petition filed by the petitioners under Section 13B of the Hindu Marriage Act, 1955 is allowed.

The marriage between the petitioners which was solemnized on 18.04.2018. At Sri. Khetra Darmastala Manjunatha Sannidi, Dhakshina Kannada District and register before Anekal Sub-registrar on 27.04.2018 is hereby dissolved with effect from the date of decree.

Decree of divorce is granted to the petitioners.

Draw decree accordingly.

(Dictated to the Typist directly on computer, typed by him, printout corrected by me and then pronounced in the open court, on this, **the 23rd day of July, 2023**)

(Krishna Raj K.)

II ASCJ & JMFC, Anekal.

A N N E X T U R E

List of witnesses examined for the petitioners:-

P.W.1 : Sri. N. Lokesh

P.W.2 : Smt. Madhushree R

List of documents marked for the petitioners:-

Ex.P1 : Marriage Invitation Card
Ex.P2 : Certificate of Registration of Hindu Marriage
Ex.P.3 : Copy of Aadhar Card
Ex.P.4 : Legal Notice
Ex.P.5 & 6 : Postal Receipts
Ex.P.7 & 8 : Postal Acknowledgments
Ex.P.9 : Aadhar card

(Krishna Raj K.)

II Addl. Senior Civil Judge & JMFC,
Anekal.