



IN THE COURT OF SENIOR CIVIL JUDGE & JMFC., AT: ALAND

Present: Shri. **Abdul Rahaman Pathan,**
B.A. LL.M.,
II Additional Senior Civil Judge & JMFC.,
Kalaburagi
& C/C Senior Civil Judge & JMFC.,
ALAND
M.C. No. 28/2025

Dated this the 1st day of April 2026

PETITIONERS:

1. Rashmi @ Reshma W/o
Raju Rathod, Age: 30
years, Occ: Household,
R/o Hebali road,
P.N.Tanda, Tq: Aland, Dist:
Kalaburagi.
2. Raju S/o Dongaru Rathod
Age: 33 years, Occ: Private
work, R/o Hebali road,
P.N.Tanda, Tq: Aland, Dist:
Kalaburagi.

(Petitioner No. 1 by Sri. S.D.B. Adv.)
(Petitioner No. 2 by Sri. G.R.P. Adv.)

// Versus //

RESPONDENT/S:

-NIL-

J U D G M E N T

Petitioners filed instant petition U/Section 13 (B) of the Hindu Marriage Act, 1955 seeking relief of divorce by mutual consent.

2. The averments of petition in brief are as under:

It is the case of petitioners that, petitioner No. 1 is legally wedded wife of petitioner No. 2. Their marriage is solemnized on 21.05.2017 in front of house of petitioner No. 2 situated at P.N. Tanda, Aland Taluka. Soon after marriage, petitioner No. 1 and 2 shifted to Pune to lead their marital life. They led marital life happily for about four months. The parents of petitioner No. 1 were also residing at Pune. Thereafter, petitioner No. 1 has developed hostile attitude and used to sleep late without cooking food for petitioner No. 2. She used to quarrel with petitioner No. 2 even for petty reasons and goes to her parental house. Being aggrieved by the same, petitioner No. 2 returned to P.N. Tanda along with petitioner No. 1. Petitioner No. 1 continued her attitude even at her in laws house. When she was asked to attend domestic chores, she used to quarrel with petitioner No. 1 and his parents and insult them. On inquiry, she expressed her willingness to divorce petitioner No. 1. Being infuriated by the same, petitioner No. 1 conveyed Panchayath. The elderly persons of the several Tandas conveyed Panchayath on 06.06.2025 to advice petitioner No. 1 to lead marital life with petitioner No. 2 happily but refused to budge to their advise and expressed willingness to divorce petitioner No. 2. The marriage between petitioner No. 1 and 2 has already been broken down and there are no issues due to said marital life. Petitioner No. 2 agreed to give Rs. 9,25,000/- to petitioner No. 1 towards alimony. Thus, they constrained to file instant petition seeking dissolution of their marriage by way of mutual consent.

3. After receipt of petition, matter was referred to mediation for reconciliation. The mediator filed report stating that, petitioners did not agree to reunite but expressed inclination to get divorce. After receipt of mediation report, once again this Court conducted reconciliation to explore the chances of reunion but petitioners have denied to reunite. Thus, matter is posted for recording of evidence.

4. To prove their case petitioner No. 1 examined herself as PW-1 and petitioner No. 2 is examined as PW-2. In support of oral evidence got marked Ex.P1/Marriage Invitation Card, Ex.P2 and 3/Photographs, Ex.P4 and 5/Copies of Adhaar Cards.

5. On the basis of petition averments and documents produced following points arise for my consideration:

1. Whether petitioners have made out sufficient grounds to grant decree of divorce by mutual consent?.

2. What Order?.

6. Heard learned Counsels for petitioners. Perused oral and documentary evidence placed on record. My answer to above points is as under:

POINT No. 1 : In the Affirmative

POINT No. 2 : As per final order for the following:

:REASONS:

7. POINT No. 1: At the outset, it is the case of petitioners that, petitioner No. 1 is legally wedded wife of petitioner No. 2. Due to several constraints it is not possible for them to continue with their marital tie as such, sought for decree of divorce by way of mutual

consent. In view of above, this Court carefully perused material on record. It is undisputed fact that, Petitioner No. 1 is the legally wedded wife of petitioner No. 2 and their marriage took place as claimed in the petition. So as to prove their case, petitioner No. 1 examined herself as PW-1 and filed affidavit in lieu of examination in chief reiterating petition averments. The evidence of PW-1 remained unchallenged as petitioner No. 2 did not dispute his testimony.

8. This Court also perused evidence of PW-2 deposed in line with evidence of PW-1. The evidence of PW-2 also remained unchallenged as PW-1 has not disputed her testimony.

9. This Court carefully perused Ex.P1/Marriage Invitation Card and Ex.P2 and 3/Photographs. Wherein it appears that, marriage of petitioner No. 1 and 2 has been solemnized as claimed in the petition. It appears from material on record that, petitioner No. 1 and 2 have been residing separately from considerable period of time. This Court also perused mediation report. Wherein it appears that, petitioners did not agree to reunite. It appears from petition averments and affidavits filed in lieu of examination in chief of PW-1 and 2 and Order Sheet dated 26.03.2026 that, petitioner No. 2 has paid an amount of Rs. 9,25,000/- to petitioner No. 1 towards alimony. The material on record shows that, petitioners have no issues or children due to said marital life. Considering these aspects, this Court is of view that, marriage between petitioner No. 1 and 2 has irretrievably broken down and continuation of the same will only be an agony for them. The petitioners have complied with all mandatory requirements of Section 13(B) of the Hindu Marriage

Act. In view of above, this Court is of view that, petitioners have made out sufficient grounds to grant decree of divorce by mutual consent. Considering facts of this case, it would not be just to impose costs on any of the parties to petition. **Accordingly, I answer Point No. 1 in the Affirmative.**

10. **POINT No. 2:** In view of discussion and conclusion arrived at Point No. 1, this Court proceeds to pass following:

ORDER

The Petition filed by Petitioners U/Section 13 (B) of the Hindu Marriage Act, 1955 is hereby ALLOWED.

It is ordered and decreed that, the marriage between Petitioner No. 1 and 2 solemnized on 21.05.2017 in front of house of petitioner No. 2, Situated at P.N. Tanda, Aland Taluka is hereby dissolved by way of decree of divorce by mutual consent from today.

Parties to bear their own cost.

Draw decree accordingly.

(Dictated to the Stenographer directly on laptop, corrected by me and then pronounced in Open Court on this the 1st day of April 2026).

(Abdul Rahaman Pathan)
II Additional Senior Civil Judge
& JMFC., Kalaburagi &
C/C Senior Civil Judge & JMFC,
ALAND

:: ANNEXURE ::**LIST OF WITNESSES EXAMINED FOR PETITIONERS:**

PW-1 : Rashmi @ Reshma W/o Raju Rathod
PW-2 : Raju S/o Dongaru Rathod

LIST OF DOCUMENTS MARKED FOR PETITIONERS:

Ex.P1 : Marriage Invitation Card
Ex.P2 & 3 : Photographs
Ex.P4 and 5: Copies of Adhaar Cards

Date: 01-04-2026
Place: Kalaburagi

(Abdul Rahaman Pathan)
II Additional Senior Civil Judge
& JMFC., Kalaburagi
**C/C Senior Civil Judge & JMFC.,
ALAND**