

Received on : 22/06/2018
Registered on : 22/06/2018
Decided on : 21/12/2018
Duration : YY-MM-DD
00 - 05 - 29

IN THE COURT OF PRINCIPAL SENIOR CIVIL JUDGE AT PATAN

HMP No.14 OF 2018

Exh.15.

Petitioners:-

1. Prajapati Jigneshbhai Ramabhai
Age:34, Occupation: Service,
Resi. at- 204,Swatinagar Society, Opp-Kanak Flat,
B/h Ruturaj Flat, Tal-Dist. Mehsana.
2. Prajapati Anjnaben D/O Somabhai Morarbhai & Wife of Prajapati
Jigneshbhai Ramabhai
Age:36, Occupation: Service,
Resi. Native place- Keshani Tal - Chanasma, Dist.Patan.
At present- Kalyanpura, Thakorvas, Radhanpur, Tal-Radhanpur,
Dist. Patan.

Appearance: Ld.Advocate Mr. R.M.PATEL for the Petitioner No.1,
Ld.Advocate Mr. I.R. BHATTI for the Petitioner No.2,

Sub: Mutual Divorce Petition u/s 13(B) of the Hindu Marriage Act, 1955.

-:: J U D G M E N T ::-

1. Present petition has been filed by the petitioners Husband & Wife jointly under the provisions of Section 13(B) of the Hindu Marriage Act, 1955 to dissolve their marriage by mutually.
2. It is the case of the petitioners that, their marriage was solemnized on_18/02/2008 at Keshani Tal - Chanasma, Dist.Patan as per Hindu rites, rituals and customs.

3. It is further case of the petitioners that, they have one child son Angel out of their legal wedlock. It is further case of the petitioners that, due to the completely different in nature, opinions and temperament they could never adjust themselves, and as a result, since last two years both the husband and wife are staying separately. It is further case of the petitioners that, their elders, friends and relatives have conciliated to save their marriage life. However, it was in vain. Then, they had decided to dissolve their marriage for prosperous future. It is submitted that, they were living separately since more than two years. It is further case of the petitioners that, they dissolved their marriage as per custom prevailing in their community and deed for dissolution of marriage has been executed before the Notary, copy of the same is attached herewith at **Mark-6/2**. It is further case of the petitioners that, to avoid any difficulties in future they have filed this petition by mutually.

4. The petition was registered and matter is kept for hearing of the parties.

5. The petitioners and their Ld.Advocate appeared before the court. Petitioners have filed affidavits respectively at **Exhs.7 & 8**.

6. Heard the parties and perused the records & proceedings and I have also gone through the affidavits filed by the parties.

7. From the above outset, it appears that, both the petitioners have mutually filed this petition to dissolve their marriage, which was solemnized on 18/02/2008 at Keshani Tal - Chanasma, Dist.Patan. The petition was filed on 22/06/2018, means at the time of filing of the petition, marriage life of the parties was more than one year. Further from the affidavits of the parties vide **Exhs.7 & 8** respectively, it appears that they have live separately for more than **two** years. Thus, separation of one year is proved.

8. Further, this petition was filed on **22/06/2018** and parties were present before this Court on **29/09/2018**, they have clung on their decision for dissolution of their marriage. Means, after cooling period, parties would like to dissolve their marriage accordingly.

9. I have heard the parties and their Ld. Advocates and also gone through the record & proceedings, therefore, I realised that marriage of the parties was already dissolved by mutual divorce deed. Therefore, there is no other option to this Court

except to grant the decree of divorce, as they have prayed. And it is also just and proper for their better future. Moreover, consent of the parties are appeared willing fully. And this petition is maintainable as per the provision of Section 13(B) of the Hindu Marriage Act, 1955. Thus, without discussing the further, case of the parties, I pass the following final order in the interest of justice.

-: O R D E R :-

1. The Hindu Marriage Petition **No.14 of 2018** is hereby allowed.
2. The marriage of petitioners **1)** Prajapati Jigneshbhai Ramabhai **2)** Prajapati Anjnaben D/O Somabhai Morarbhai & Wife of Prajapati Jigneshbhai Ramabhai, solemnized on **18/02/2008** at Keshani Tal - Chanasma, Dist.Patan, is hereby dissolved, from the date of today, as per their mutual consent under section 13(B) of the Hindu Marriage Act, 1955.
3. The parties shall bear their own costs.
4. Decree shall be drawn accordingly.

Pronounced in the open court on **21st** day of **December, 2018** at Patan._

Date:21/12/2018.

PATAN

[Bipin K. Barot]

Judge Code GJ00566
Principal Senior Civil Judge
PATAN.