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Registered on:25/02/2022
Decided on : 31/01/2023
Duration : YYYY-MM-DD

**IN THE COURT OF PRINCIPAL SR. CIVIL JUDGE,
AT KHAMBHAT**

HINDU MARRIAGE PETITION NO. 6 OF 2022

Petitioners:

- 1. PATEL RIKITKUMAR NARSINHBHAI
AGE. 32, OCC. SERVICE
R/O UNDI FALI, MOTI PATI
VILLAGE NAGRA, TAL. KHAMBHAT
DIST. ANAND, GUJARAT, INDIA.**
- 2. PATEL SEJALBEN D/O PATEL PIYUSHKUMAR ARVINDBHAI
AGE. 30, OCC. HOUSEHOLD,
R/O IN PARA, KHARO PAT
TAL. KHAMBHAT**

Appearance:

Ld. Advocate Mr. A.J. JADAV for the Petitioners

Petition U/s 13 (b) of the Hindu Marriage Act, 1955

: J U D G M E N T :

1. Both the petitioners have filed this petition for obtaining decree of divorce by mutual consent u/s 13 (b) of The Hindu Marriage Act.

2. According to the petition the short facts are that the petitioners got married on 30/01/2021 as per Hindu religion and rites and said marriage was registered on 22/02/2021. Thenafter both the petitioners are stayed together as husband and wife. Further, it is the say of the petitioner that initial marriage life was happy, Further, it is the say of the petitioners that the petitioners were not able to settle the disputes but with passing of time quarrels increased and for peaceful married life parties have tried much differences between the petitioners could not be resolved. It was not possible for petitioners to stay together. Their relatives and elders have tried to reunite them but reunion is not become possible, therefore as per custom prevail in their caste they have executed divorce deed dated 30/12/2021 before the Notary Public in presence of their relatives and they have also settled the claim of articles given at the time of marriage. Further, it is the say of the petitioners that petitioner No. 2 has voluntarily waive her right of permanent maintenance from the petitioner No. 1. Further, the gifts articles, Pan-card, ornaments, photos, videos, whats-app chat etc. were being handed over to each other in presence of their relatives. That it is declared that the petitioner No. 2 shall not have any right, interest, title in the property owned by the petitioner No. 1. Further, it is the say of the petitioners that no child born to them out of their wed-

lock and now the petitioner No. 2 has stated that at present she is not pregnant. So petitioners have decided to take divorce by mutual consent and hence prayed so by this petition.

3. Thenafter, in support of petition, the petitioner No. 1 has filed his affidavit at Ex. 5 and produced following documentary evidence vide list Exh. 3.

Mark 3/1 and 3/2 (Exh. 9) Copy of Divorce Deed before Notary Published vide Sr. No. 4710 and 4711 dated 30/12/2021.

Mark 3/3 and 3/4 Copy of Aadhar card of applicant No. 1 and 2.

4. I have gone through the affidavits filed by the petitioner No. 1. There is no deviation from the contents of the petition in affidavit. Hence the affidavit fully supports the contents of the petition.
5. Considering the affidavit and documentary evidence produced on record, there is no dispute that the petitioners got married with on 30/01/2021 as per Hindu religion and said marriage was registered before Marriage Registrar, 22/02/2021. Thenafter both the petitioners are stayed together as husband and wife. That no child born to them out of their wed-lock. That the initial marital life was happy but after some time quarrel started on small things between the petitioners and difference of opinion between them arised.
6. Further, the petitioners were not able to settle the disputes but

with passing of time quarrels increased and for peaceful married life parties have tried much but differences between the petitioners could not be resolved. It was not possible for petitioners to stay together. Their relatives and elders have also tried to reunite them but reunion is not become possible, therefore as per custom prevail in their caste they have executed divorce deed before the Notary Public in presence of their relatives and they have also settled the claim whatsoever and now according to petitioner, nothing remains to be settled amongst them.

7. On appreciation of affidavit and documentary evidence filed in support of this petition and arguments of petitioners' advocate it transpires that parties have prayed for decree of divorce by mutual consent u/s 13 (b) of Hindu Marriage Act, 1955. The court may pass decree of divorce but before that court has to satisfy itself that requirement of section are satisfied, like that, both parties should present the petition to the court and then after wait for six months and then one and half year if either party do not withdraw consent and both petitioners moved the court to pass decree of divorce then the court after satisfying that contents of the petition are true and consent of petitioners should be free and it is not obtained by force, fraud or undue influence and petitioners living separately for one year soon

precedent to the filing of the petition and petitioners mutually agreed to dissolve the marriage between them. Hence, in view of the above discussion of oral and documentary evidence, I found that condition of Sec 13 (b) are satisfied and petitioners have freely consented for divorce to each other.

8. Therefore, after appreciating evidence, I came to the conclusion that there is no dispute that marriage between the parties have solemnized and after some time quarrels taken place between them and due to difference of opinion disputes have arisen and increased with passage of time to the extent and petitioners are not able to settle their differences even after efforts made by their elders and they are not able to live happily as husband and wife. Therefore, petitioners have decided to separate from each other and they were separated since five months and thereafter as per custom prevail in their caste they are separated from each other by executing divorce deed dated 30/12/2021 before the notary public in presence of their relative and they have also settled the claim of articles given at the time of marriage. Further, petitioners have settled all the issues. In these circumstances, I came to the conclusion that petitioners are entitled for the decree of divorce by mutual consent u/s 13 (b) of Hindu Marriage Act, 1955, Hence, I pass the following final order.

: ORDER :

1. This petition is hereby allowed.
2. The marriage solemnized on 30/01/2021 between petitioner No. 1 PATEL RIKITKUMAR NARSINHBHAI and petitioner No. 2 PATEL SEJALBEN D/O PATEL PIYUSHKUMAR ARVINDBHAI, stands dissolve from the date of this order.
3. No order as to costs.
4. Decree of divorce be drawn accordingly.

Pronounce and signed in the open court on 31st day of January, 2023.

(Mr.Bhavinkumar Jitendrarai Pandya)
Principal Senior Civil Judge, Khambhat,
District – Anand.

[Code No.-GJ00554]

Date: 31.01.2023.
Place : Khambhat.