

MHTH240000162026 	Presented on	:	03/01/2026
	Registered on	:	03/01/2026
	Decided on	:	06/08/2026
	Duration	:	Y M D
		:	00 07 03

THE COURT OF CIVIL JUDGE SENIOR DIVISION, VASAI
AT : VASAI

(Presided over by Archana G. Behere)
(JO Code – MH01873)

Marriage Petition No.10/2026
Exhibit No.15

Ganesh Prakash Borkar Age : 41 years, Occup. : Business, R/of : 3/G, Aashirvad Bldg., Kashinath Dhuru Road, Near Kirti College, Dadar (W), Mumbai.	 Petitioner no.1
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And

Aarti Ganesh Borkar @ Aarti Shankar Ganave Age : 35 years, Occup. : Service, R/of : D/806, Bhoomi Acropolis, Chikhal Dongare Road, Virar (W), Tal. Vasai, Dist. Palghar	 Petitioner no.2
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Petition for divorce by mutual consent under
Section **13-B** of the Hindu Marriage Act, 1955.

APPEARANCES :- Ld. Adv. Anil Kumar Saroj for the petitioners.

: J U D G M E N T :
(Delivered on 06/08/2026)

This petition is under section 13-B of The Hindu Marriage Act, 1955 (herein after referred as “H.M.Act”) seeking decree of divorce by mutual consent.

Petitioners’ Case In Concise

2] Petitioners’ marriage was solemnized on 17/04/2016 at Shagun Hall, 1st floor, Jamnadas Mention Laxmi Narayan Lane, Matunga, Mumbai and it is in subsistence. They have one issue out of their wedlock namely Saishree Ganesh Borkar. Very soon the petitioners realized that, there is varied difference in their nature, desires and aspirations. Due to this, matrimonial discords had become a routine for them, which kept on intensifying. Numerous efforts from their close-ones were made to pacify their differences, however, they all failed. Since 26/10/2023, petitioner No.02 is residing separately from petitioner No.01. To put an end to the agony of a mismatch, they mutually agreed to dissolve their marital tie on the terms agreed between them. Eventually, they filed present petition.

Efforts Of Reconciliation

3] Pleadings disclose that, before approaching the Court, efforts of reconciliation were made by petitioners’ relatives. Even then, in obedience of the duty enshrined under section 23(2) of H.M.Act, at the very first instance endeavour was made to bring about reconciliation between the parties and therefore, they were referred to mediation. However, report of failure at mediation is received.

Motions & Waiver Of Statutory Period Of 06 Months

4] At the first motion, petitioners had affirmed the pleadings to be true and correct. After completion of cooling period both parties were

called to appear for second motion. At the second motion, both petitioners have filed affidavits affirming their decision of dissolving their marital tie. They both were inquired about their contentions, to which they remained firm.

Material On Record

5] Affidavits of both petitioners and some documents are relied upon by them. Heard, the arguments advanced by learned advocate for petitioners to his satisfaction.

Points For Determination & Decisions

6) Considering the matters before this Court, following points arise for determination. Decisions on them are recorded for reasons to follow :

<u>Sr.No.</u>	<u>Points For Determination</u>	<u>Findings</u>
1	Whether petitioners are entitled to decree ... of divorce under section 13-B of H. M. Act ?	Yes.
2.	What order ?	... Petition is allowed.

REASONS

AS TO POINT NO.1 :

7] In their affidavits, both petitioners have reiterated the contents about the date of their marriage, subsistence of their marital tie, date of their separation and that they have agreed to mutually dissolve their marital relations on given terms. Affirmations of both petitioners have gone unchallenged and are corroborated to certain extent by the documents placed on record. There is absolutely nothing on record which

is contrary to what these petitioners have deposed. Therefore, their evidence appears to be consistent, cogent, reliable and certainly inspire confidence. It appears from date of separation that, petitioners are living separately for more than one year, as is mandatory under section 13-B (1) of H.M.Act and due to differences in their nature, they are unable to cope up with each other to enable them to live together. Eventually, they seem to have agreed to depart. Consistent and uncontroverted testimonies of petitioners establish the averments in the petition to be true. Terms agreed between both petitioners are placed on record. Taking into account the present age of both petitioners and terms agreed by them, there does not appear any possibility of petitioners resuming cohabitation and even there is reasonable scope for alternative rehabilitation. There is nothing on record to show that, the consent of either or both petitioners is/are obtained by force, fraud or undue influence. Therefore, satisfaction as provided under section 23 (1) (bb) of H.M.Act is also made. Eventually, it is proved that marriage of petitioners is solemnized, it is in subsistence, they are living separately for more than one year, they are unable to live together and they have mutually agreed to dissolve their marital tie on the agreed terms. All essential elements of section 13-B of H.M.Act are thereby proved and there is no impediment in declaring the dissolution of their marriage. Therefore, petitioners are entitled to decree of divorce under section 13-B of H.M.Act. Resultantly, I answer point No.01 in the affirmative.

AS TO POINT NO.2 :

8] Above decision certainly entitles the petitioners to a decree of divorce. Both petitioners have come together in this petition and thus, they must bear their own costs. As per section 23 (4) of H.M.Act, copy of decree must be given free of cost to both petitioners. Finally, I answer

point No.02 as petition is allowed and pass following order :

ORDER

- 1] Petition is allowed.
- 2] As per section 13-B of The Hindu Marriage Act, 1955, marriage of petitioners, which was solemnized on 17/04/2016, is declared to be dissolved with effect from the date of this decree on the terms agreed in petition and affidavits.
- 3] Both petitioners to bear their costs of this petition.
- 4] Decree shall be drawn up.
- 5] As per section 23 (4) of The Hindu Marriage Act, 1955, copy of decree shall be given free of cost to both petitioners.
- 6] Judgment is delivered as per Order XX Rule 1 (2) of The Code of Civil Procedure 1908.

Vasai.
Date :-06/08/2026

(Archana G. Behere)
Civil Judge Senior Division
Vasai.

CERTIFICATE

I affirm that the contents of this PDF file Judgment/Order are same, word to word, as per the original Judgment/Order.

Name of the Stenographer	:	V.B.Gujar Stenographer Grade-II
Name of the Court	:	Civil Judge Senior Division, Vasai
Directly dictated on	:	06/08/2026
Order checked & signed by the P.O. on	:	06/08/2026
Order uploaded on	:	06/08/2026