

IN THE FAMILY COURT, OTTAPALAM

Present:- Sri.VARGHESE.A.F., JUDGE

Friday, the 27th day of March, 2026

(6th day of Chaithra, 1948 S.E)

ORIGINAL PETITION No.888/2025

This petition coming on 25.03.2026 for final hearing before me in the presence of Sri.M.T.Niaz and Smt.Nishana.M, Advocates for the petitioners and having stood over to this day for consideration, this Court delivered the following:-

J U D G M E N T

This is a joint petition submitted under Section 13 B of the Hindu Marriage Act for a decree of dissolution of marriage.

2. The case of the petitioners in brief is as follows:- The petitioners are Hindu wife and husband. The marriage of the petitioners was solemnized on 15.05.2011 as per the customary rites and ceremonies of Hindu religion at Apsara Auditorium, Pathirippala. Thereafter, the petitioners lived together as wife and husband and two children were born in their wedlock. The marital relationship of the petitioners became strained and had broken eventually due to their difference of opinion and the marital discord developed between the petitioners. Then the petitioners started living separate from 15.11.2023 onwards because of the incompatibility of their temperaments and opinion. Thereafter the petitioners continued to live separate because of their inability to reconcile their difference and to resume their relationship. All the mediation and conciliation made by the family members and relatives of the petitioners failed to reunite the petitioners and to cause them to resume their relationship. The petitioners could not reconcile their difference and resume their matrimonial relationship as the marriage of the petitioners has broken irretrievably. Now the petitioners have realised that it is not possible for them to unite and live together

and that no meaningful purpose will be served in pursuing their broken marital relationship. Thus the petitioners have decided to get their marriage dissolved by a consent decree as their marriage has broken irretrievably. Accordingly the petitioners pray for a decree of dissolution of their marriage solemnized on 15.05.2011.

3. The petitioners have presented this petition jointly on 22.09.2025. It was then taken on file and posted to 06.03.2026 by referring the parties for counselling by granting time to the petitioners to have a rethinking. The counselling conducted by the counsellor of the court failed and the counsellor has reported that there is no chance of reunion.

4. When the petition came up for the appearance of the petitioners after counselling, both petitioners appeared before the court and made a second joint motion, as contemplated under section 13B(2) of The Hindu Marriage Act, in furtherance of their prayer for dissolution of marriage. They have also submitted separate proof affidavits in advancement of their prayer for dissolution of marriage. Then the petition was taken up for inquiry by recording the second joint motion made by the petitioners on realising that there is no chance of reunion and that the petitioners have preferred this petition as a last resort.

5. The sworn statements of the petitioners were recorded on proof affidavits as a part of the inquiry.

6. From the averments in the petition, the joint motion made in furtherance of the prayer and the proof affidavits filed by the petitioners, the following points arise for determination;

1. Whether the petitioners are entitled to get a decree of dissolution of marriage as prayed for?

2. Reliefs to be granted.

7. **Point No.1:** The decree sought by the petitioners is a decree of dissolution of their marriage solemnized on 15.05.2011. Such a decree is sought on the ground that the petitioners are Hindu wife and husband and that their marriage has broken irretrievably. The averments in the petition, the documents produced and the proof affidavits filed by the petitioners reveals that the marriage of the petitioners was solemnized on 15.05.2011 as per the customary rites and ceremonies of Hindu religion. Their marriage was then registered with the Local Registrar of Marriages, Lakkidi- Perur Grama Panchayat. The petitioners started living separate from 15.11.2023 onwards as it became difficult for them to live together because of the incompatibility of their temperaments and opinion and the loss of

mutual trust, love and affection. After the separation of the petitioners, the petitioners continued to live separate for a period of more than one year as on the date of presentation of the petition. The counselling conducted by the counsellor of the court failed and the petitioners continues to live separate even after granting the statutory time for rethinking. The second joint motion made by the petitioners and the proof affidavits filed by them reveals that they are not in a position to reconcile their difference and to resume their matrimonial relationship as their marriage has broken irretrievably. Thus it is obvious that it is better for the future of both petitioners to dissolve their marriage by a decree of dissolution of marriage. There is no reason to suspect any foul play on the part of the petitioners or collusion between the petitioners in preferring this petition for dissolution of their marriage with mutual consent. The averments in the petition reveals that the petitioners have settled all their mutual rights and obligations amicably. Thus the petitioners are entitled to get a decree of dissolution of their marriage as prayed for. This point is therefore answered as above in favour of the petitioners.

8. **Point No.2:** In the result, the petition is allowed and a decree is passed as follows:

1. The marriage of the petitioners solemnized on 15.05.2011 is hereby dissolved with effect from the date of decree.
2. On drawing up the decree, a true certified copy of the decree shall, at the expense of the petitioners, be forwarded to the Local Registrar of Marriages, Lakkidi- Perur Grama Panchayat, before whom the marriage of the petitioners was registered, for necessary follow up action.

Dictated to the confidential assistant, transcribed by him, corrected and pronounced by me in the open court this, on the 27th day of March, 2026.

Sd/-
JUDGE

WITNESS EXAMINED AND EXHIBITS MARKED : NIL

Sd/-
JUDGE

