

MHBI080003312026



Presented on : 10.03.2026
Registered on: 11.03.2026
Decided on : 07.05.2026
Duration: 00Y. 01Ms. 27Ds.

IN THE COURT OF CIVIL JUDGE SENIOR DIVISION, MAJALGAON.
(Presided over by: S. S. Budruk)

H. M. P. No.23/2026

Exh.No.22

1.

2.

.....Petitioners.

CLAIM: Petition for Divorce by mutual consent vide
Section 13B of the Hindu Marriage Act, 1955.

Appearance:- Adv. Mr. R. R. Sable, for petitioner Nos.1 & 2.

J U D G M E N T

(Delivered on 7th May, 2026)

The petition is instituted for a decree of divorce by mutual consent vide Section 13B of Hindu Marriage Act, 1955 (In short referred to as 'the Act').

2. It is the case of petitioners that, they belong to Hindu by religion. They married on 20/06/2023 at Saubhagya Mangal Karyalaya, Gadhi Road, Majalgaon, Tq. Majalgaon, Dist. Beed, as

per customs prevailing to their community. Their relations as wife and husband are still in subsistence. They do not have issue out of wedlock. After marriage, petitioner No.1 resided and cohabited with petitioner No.2 for the period of fifteen days at her matrimonial house. However, they do not have mutual understanding. Thus, the matrimonial dispute irrupt between them. They did not reside as husband and wife togetherly. Their relatives have tried to give understanding to them, but in-vain. Lastly, petitioner No.1 has left company of petitioner No.2 on 06/07/2023 and used to reside separately at her parental house.

3. The petitioners further submit that, meantime also their relatives have tried to resolve dispute, but in-vain. Their relations are strained at extreme level. There are no chances of their reunion. They are not ready to resume cohabitation even an interference made by their relatives. The marriage between the parties has irretrievably broken down. As such, both petitioner have amicably settled dispute unconditionally and agreed to get a decree of divorce by mutual consent. Consequent to that, they have instituted this proceeding.

4. The petition (Exh.1) is presented on 10/03/2026 and registered on 11/03/2026. Both petitioners have sworn in support of petition (Exh.1). The matter was adjourned for statutory period of 06 months to facilitate the parties for reunion purpose on first motion as per order passed below Exh.1 on 18/03/2026. Meantime, the petitioners have also referred to mediation for their reunion purpose. However, the said process

has resulted into negative as per letter addressed by the Judge Mediator to this Court vide Exh.18. It is matter of record, the statutory period of six months specified in Section 13B(2) of the Act to be followed by the petitioners on second motion, has been waived for consideration of this petition vide order passed below Exh.12 on 23/04/2026 at the instance of both petitioner. Petitioner Nos.1 and 2 have filed their affidavits in lieu of examination-in-chief at Exhs.19 & 20 respectively. They have closed oral evidence vide Pursis Exh.21.

5. The following points arise for determination together with my findings thereon for reasons recorded to follow:-

Sr. No.	<u>POINTS</u>	<u>FINDINGS</u>
1)	Are the petitioners entitled for dissolution of their marriage by a decree of divorce by mutual consent?	Yes..
2)	What order & decree?	Petition is allowed.

REASONS

AS TO POINT NO. 1 :-

6. Heard, the learned advocate Mr. R. R. Sable, for petitioner Nos.1 and 2. He has argued almost all facts in line of pleadings made in petition (Exh.1). In support of petition, both petitioner have examined themselves and reiterated almost all the facts, which are pleaded in petition (Exh.1), as reproduced supra.

7. Section 13B of the Act enables the husband and wife together to present a petition for dissolution of marriage through

a decree of divorce by mutual consent on the grounds that, they have been living separately for a period of one year or more; they have not been able to live together and that further they have mutually agreed to break down marital tie. On the motion of both parties, made not earlier than six months after the date of the presentation of the petition and not later than 18 months of the presentation of petition, if the petition is not withdrawn in the mean time, the Court shall, on being satisfied, after hearing the parties and after such inquiry as it thinks fit, that a marriage has been solemnized and that the averment in the petition are true, may pass a decree of divorce declaring the marriage to be dissolved with effect from the date of the decree.

8. As per above provisions, the Court requires to be satisfied that, whether it was impossible for the parties live together as husband and wife and had in fact been living separately for more than statutory period of one year prior to presentation of proceeding. In the present case, it is evident that, both petitioner have married on 20/06/2023. The present proceeding is instituted on 10/03/2026. The material available on record shows that, both petitioners are residing separately from 06/07/2023 i.e. more than 02 year 08 months prior to presentation of the petition. Not only that, an amicable settlement for reunion purpose did not take place between the petitioners though they had referred to mediation process followed at their instance, which resulted into negative as per letter of Judge mediator vide Exh.18, as mentioned supra. It

seems that, both petitioner have made their amicable settlement unconditionally, as mentioned supra.

9. It is not disputed that, both petitioner are wife and husband inter-se and their relations are still in subsistence. Both petitioners have reiterated the contents of petition (Exh.1) in their respective evidence affidavits vide Exhs.19 & 20 respectively. Thus, it is crystal clear that, statutory period of more than one & half year has already been lapsed before presentation of petition.

10. Today, the petitioners are present before the Court. On oral inquiry being made by the Court, they have expressed unwillingness to resume cohabitation at any costs. Father of petitioner No.1 namely _____ is also accompanied with her. On oral inquiry being made by the Court, he expressed that, the present petition is instituted by her daughter with free consent.

11. In view of above discussion, it is evident that, the marriage between the parties have irretrievably broken down. Thus, I have no reason to disbelieve the testimony of both petitioner that, it is not possible for them to live together as husband and wife. Moreover, it seems that, they have decided to dissolve their marriage with free mutual consent. As such, they have fulfilled all requirements for passing a decree of divorce with mutual consent vide Section 13B of the Act. Thus, I answer point No.1 in the affirmative.

AS TO POINT NO.2 :-

12. As per findings on point No.1, the petitioners deserve

to get decree of divorce by mutual consent vide Section 13B of the Act. The petitioners will have to bear their own costs. Hence, in answer to point No.2, I pass following order.

ORDER

1. The petition is allowed.
2. The marriage between petitioner No.1-
and petitioner
stands
dissolved from today i.e. 07/05/2026 vide Section 13B of the Hindu Marriage Act, 1955.
3. Certified copies of decree be given to both petitioner free of costs vide Section 23 (4) of the Hindu Marriage Act.
4. Decree be drawn up, accordingly.

Dated : 07/05/2026.

(S. S. Budruk)
Civil Judge Senior Division,
Majalgaon.

CERTIFICATE

The contents of above order are word to word same and found correct in this pdf.

Dictated on : 07/05/2026.
Typed on : 07/05/2026.
Com. & uploaded on : 07/05/2026.

Sd/-
(H.B.Suryawanshi)
Steno-Gr.II
C.J.S.D.Majalgaon.