ORDER BELOW EXH.12.

Both petitioner being wife and husband have instituted main petition (Exh.1) on 10/03/2026 for a decree of divorce by mutual consent under Section 13B of the Hindu Marriage of Act, 1955 (here-in-after referred to as 'the Act').

2. It is matter of record, the case has been adjourned for six months as mandatory cooling period to be followed in terms of order cum-verification of petitioners recorded on 08/03/2026 below petition (Exh.1). Subsequent to that, this application is moved on their behalf on 15/04/2026 by taking matter on board vide Exh.10 being second motion with seeking prayer to waive six months cooling period to be followed on second motion vide sub clause (2) of Section 13B of the Act.

3. The contents of this application are supported by an affidavit of petitioner No.1 namely Sau. Ishawari W/o. Amarsingh Deshmukh vide Exh.13 and petitioner No.2 namely Amarsingh S/o. Sanjay Deshmukh vide Exh.14.

4. Perused application and record of the case, minutely. Heard the learned advocate Mr. R. R. Sable, for both petitioner. As per ratio laid down by the Hon'ble Supreme Court in the case of **Amit Kumar ..Vs.. Suman Beniwal, 2022(2) Mh. L.J. 1**, in which by making reference of observations made in the case of **Amardeep**

Singh ..Vs.. Harveen Kaur, in Civil Appeal No.11158 of 2017 decided on 12-09-2017, held that following factors which the Court is obliges to take note of and if all the four conditions mentioned below are fulfilled, the Court would necessarily have to exercise its discretion to waive the statutory period under Section 13B of the Act:

> *i) The statutory period of six months specified in Section 13B(2), in addition to the statutory period of one year under Section 13B(1) of separation of parties is already over before the first motion itself;*
>
> *ii) All efforts for mediation/conciliation including efforts in terms of Order XXXIIA Rule 3 CPC/Section 23(2) of the Act/Section 9 of the Family Courts Act to reunite the parties have failed and there is no likelihood of success in that direction by any further efforts;*
>
> *iii) The parties have genuinely settled their differences including alimony, custody of child or any other pending issues between the parties;*
>
> *iv) The waiting period will only prolong their agony.*

5. The factual matrix of instant case is that, marriage of both petitioner is solemnized on 20.06.2023. The main petition is presented on 10.03.2026 and registered on 11.03.2026. It is contended in petition (Exh.1) that, both petitioners are residing separately from 06.07.2023 i.e. more than 2.5 years from the date of presentation of petition.

6. As per averments made in petition (Exh.1) that, both petitioner have amicably settled dispute unconditionally. After institution of this proceeding, both petitioner have referred to mediation process for their re-union purpose as

contemplated under Section 23(2) of the Act. However, the said mediation process resulted into negative in terms of letter of Judge mediator vide Exh.18.

7. In view of these facts and circumstances of the case, it is crystal clear that, in instant proceeding the statutory period of six months specified in Section 13B(2), in addition to the statutory period of one year under Section 13B(1) of separation of parties has already been over before presentation of this proceeding, itself. It seems that, the present proceeding is outcome of amicable settlement took place between both petitioner for getting divorce by mutual consent. Likewise, they have also availed mediation process through the Court for their reunion purpose. Unfortunately, said proceeding resulted into negative, as stated supra. As such, condition No.(i) and (ii) as guided in the aforesaid citation seems to have complied by the petitioners.

8. Institution of this proceeding on mutual agreement unconditionally amounts to they have genuinely settled their differences including alimony and other pending issues as narrated in petition (Exh.1), referred at Sr. No.(iii) as a condition precedent for allowing the application, like this. In such circumstances, in my opinion, the waiting period will only prolong their agony as guided in condition No.(iv) of the aforesaid citation.

9. In view of foregoing discussion and factual matrix of the case in hand, I found substance in the application on being all 04 conditions given in the aforesaid citation have fulfilled by

the petitioners. Therefore, the application will have to be allowed. In the result, I pass following order-

O R D E R

1) The application (Exh.12) is allowed.

2) The statutory period of six months specified in Section 13B(2) of the Hindu Marriage Act,1955 to be followed by the petitioners on second motion, is waived for consideration of their petition (Exh.1).

SAHEBRAO SHESHRAO BUDRUK
Digitally signed by SAHEBRAO SHESHRAO BUDRUK
Date: 2026.04.23 17:40:51 +0530

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

Date : 23/04/2026.

CERTIFICATE

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

Dictated on : 23/04/2026.
Typed on : 23/04/2026.
uploaded on : 23/04/2026.

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