

Order below Exh.01 in SPL.C.S. No.18/2025.

Sudhakar Vs. Ajit.

(Order passed on 08th July, 2025.)

CNRNO.MHLA170004142025

Issue summon to defendant.

Place:-Ausa.

Date : 08.07.2025.

(P. I. Mokashi)

Civil Judge, Senior Division,

Ausa.



Order below Exh.10 in HMP No.33/2025.
Mamta and others Vs. Nil.
(Order passed on 09th July, 2025.)

Petitioners No.1 and 2 have filed application submitting that they have filed main application under section 13 (B) of Hindu Marriage Act, 1955 for divorce by mutual consent. Today they have come before the Court submitting that it is less likely that they will cohabit together in future. Therefore, the cooling period of 6 months as prescribed by the law be waived.

Heard Ld. Counsels for petitioners No.1 and 2. They also submit that, there are no chances of cohabitation between petitioners. Therefore, the period of 6 months be waived off.

Perused the record. It reveals that petitioners have filed application on 11th June, 2025. Furthermore, it is confirmed from petitioners that there is no possibility of reconciliation between petitioners in future. Hence, in view of ratio laid down in ***Amardeep Singh V/s. Harveen Kaur (2017) (8) SSC 746***, it is held by the Hon'ble Supreme Court that, "in order to waive off this statutory waiting period of 6 months under section 13 (B) (2), the Court needs to consider the following before making a decision. (1) The statutory period of 6 months specified in 13 (B) (2), in addition to the statutory period of one year under section 13(B) (1) of separation of

parties is already over before the first motion itself. (2) All efforts of conciliation/mediation to reunite the parties have failed. (3) The parties have genuinely settled their difference including alimony and other pending issues. (4) The waiting period only would prolong their agony. It is also held in the ***Pranali Prathmesh Shingote Vs. Prathmesh Nitin Shingote WP No.11297 of 2022 decided on 28 September 2022*** that, grounds of waiver, factors to be considered

- 1) Length of time of marriage - 15 months.
- 2) Parties stayed together for – 2 months.
- 3) Length of time of separation - 13 months.
- 4) Lengths of time of litigation pending - 13 months
- 5) Other proceedings – Nil.
- 6) Child from marriage – Nil.
- 7) Both parties have arrive at settlement out of their own free will.

The passing reference of ***Amardeep Singh Vs. Harveen Kaur*** is made by Honourable High Court in this case.

In the present petition petitioners are residing separately from each other from May 2024. Hence, above discussed case laws are applicable to the present petition.

Perused the record. It is crystal clear that petitioners No.1 and 2 are residing separately from each other from May 2024. Therefore, there are no chances of reconciliation between them. Hence, there are reasonable grounds to waive off the cooling period

of six months. Therefore, I pass following order.

ORDER

1. The application is allowed.
2. The six months period as per provisions under section 13 (B) of the Hindu Marriage Act, 1955 is waived.

Date : 09.07.2025.
Place : Ausa.

(P. I. Mokashi)
Civil Judge Senior Division,
Ausa.

MHLA170002542025



Order below Exh.11 in HMP No.33/2025.
Mamta and others Vs. Nil.
(Order passed on 09th July, 2025.)

“Filed”

Date : 09.07.2025.
Place : Ausa.

(P. I. Mokashi)
Civil Judge Senior Division,
Ausa.

MHLA170002542025



Order below Exh.12 in HMP No.33/2025.
Mamta and others Vs. Nil.
(Order passed on 09th July, 2025.)

“Filed”

Date : 09.07.2025.
Place : Ausa.

(P. I. Mokashi)
Civil Judge Senior Division,
Ausa.

MHLA170002542025



Order below Exh.13 in HMP No.33/2025.
Mamta and others Vs. Nil.
(Order passed on 09th July, 2025.)

“Read and recorded”

Date : 09.07.2025.
Place : Ausa.

(P. I. Mokashi)
Civil Judge Senior Division,
Ausa.

MHLA170002542025



Order below Exh.14 in HMP No.33/2025.
Mamta and others Vs. Nil.
(Order passed on 09th July, 2025.)

“Read and recorded”

Date : 09.07.2025.
Place : Ausa.

(P. I. Mokashi)
Civil Judge Senior Division,
Ausa.

MHLA170002542025



Order below Exh.15 in HMP No.33/2025.
Mamta and others Vs. Nil.
(Order passed on 09th July, 2025.)

“Read and recorded”

Date : 09.07.2025.
Place : Ausa.

(P. I. Mokashi)
Civil Judge Senior Division,
Ausa.