

MHTH070000272020



Presented on : 31.12.2020

Registered on : 31.12.2020

Decided on : 21.09.2021

Duration : 00 years.

08 months.

21 days.

IN THE COURT OF JT. CIVIL JUDGE SENIOR DIVISION, KALYAN,
DIST THANE.

(Presided over by R. L. Wankhade)

Marriage Petition No.15/2020

Exhibit No.

Shri. Vijay Jairam Hotchandani.

Age : 33 years, Occu. : --

R/at : B wing, 208, Basharam Apt.,

Opp. Hira Society, Ulhasnagar-2.

... Petitioner No.1.

And

Deepa Bodani @ Hanisha Vijay Hotchandani.

Age : 30 years, Occu. : --

R.at.: 601, 6th floor, Chetan Apt.,

Opp. Tahsildar Office, Gandhi Road,

Ulhasnagar – 5.

.... Petitioner No.2.

Appearances :

Ld. Adv. Jyoti Dawra for petitioner No.1 & 2.

JUDGMENT

(Delivered on 21/09/2021)

This petition is for divorce by Mutual Consent U/s. 13-B of the Hindu Marriage Act, 1955.

2) The petitioners contended that their marriage is solemnized on 05.01.2014 at Ulhasnagar-3 as per the Hindu Vedic rites and rituals. Thereafter, due to differences between the spouse, they are residing separately since 15.05.2017. The relatives tried their level best to reunite them. However, all such efforts did not result into success. Both the parties have returned all the golden ornaments, Stridhan, cloths and gifts to each other. Petitioner No.2 waived all her rights in respect of

future maintenance or alimony. They have no issue from the said marriage. The petitioners contended that they are living separately for more than one year.

3) The points for determination and findings thereon with reasons are as under -

Sr. No.	Points	Findings
1.	Do the petitioners prove that they are living separately for the period of one year or more ?	...Yes.
2.	Whether the petitioners entitled to decree of divorce by mutual consent under Section 13(B) of The Hindu Marriage Act, 1955?	...Yes.
3.	What order and decree?	...Petition is allowed.

- REASONS -

POINT NO. 1 AND 2 -

4) Petitioner No.1 and 2 filed evidence affidavit vide Exhibit 5 and 6 respectively. They stated the same facts which are mentioned in the application. They have filed their Marriage invitation. It is their contention that they want divorce by mutual consent. From the averments in the application as well as evidence affidavit, the petitioners are residing separately for more than one year. The Court also asked them whether they want to reunite. However, they confirmed their stand in respect of divorce by mutual consent.

5) On perusal of petition as well as evidence affidavit, all the ingredients of the section 13(B) of the Hindu Marriage Act, 1955 have been complied with. Therefore, it can be said that the petitioners are entitled to decree of divorce. In the result, findings to the above points are recorded in the affirmative. Hence, I pass the following order -

ORDER

1. The petition is allowed.
2. The marriage between petitioner No.1 **Shri. Vijay Jairam Hotchandani** and petitioner No.2 **Deepa Bodani @ Hanisha Vijay Hotchandani** solemnized on 05.01.2014 is hereby dissolved by a decree of divorce by mutual consent under section 13(B) of the Hindu Marriage Act, 1955.
3. No order as to costs.
4. The copies of the decree be supplied free of cost to the parties in view of section 23(4) of the Hindu Marriage Act, 1955.
5. A decree be drawn up accordingly.

Date : 21/09/2021.

(Rohidas Laxman Wankhade)
Jt. Civil Judge, S.D., Kalyan.