

MHNG09002258-2025



Filed on : 10.06.2025

Registered on : 10.06.2025

Decided on : 17.04.2026

Duration : 00Y 07M 08D

**IN THE COURT OF CIVIL JUDGE SENIOR DIVISION, SAONER,**

**DISTRICT NAGPUR**

**(PRESIDED OVER BY S. A. SARDAR )**

**HINDU MARRIAGE PETITION NO. 93/2025**

**EXH.NO.13**

Mrs. Ashwini w/o Sunil Musale,

Age- 35 Yrs, Occupation – Housewife,

R/o C/o Kishor Jogi, Sonkhamb,

Tahsil – Katol, District – Nagpur.

**PETITIONER No.1**

**AND**

Mr. Sunil s/o Tejram Musale,

Age-40 Yrs, Occupation - Private,

R/o. Ward No.2, Bhendala,

Post – Waki, Tahsil – Saoner,

District- Nagpur.

**PETITIONER No.2**

**VERSUS**

**Nil.**

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**APPEARANCES :**

**Smt. P. S. Urkude**

**: The Ld. Advocate for Petitioners.**

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**J U D G M E N T**

(Delivered on 17.04.2026)

01. This is a petition for dissolution of marriage by decree of divorce by mutual consent under Section 13(B) of the Hindu Marriage Act, 1955.

02. The petition in short is as under :

Petitioners are legally wedded wife and husband. Their marriage was solemnized on 12.03.2018 at “Sant Gajanan Sabhagruh”, Kalmeshwar, Tahsil – Kalmeshwar, District – Nagpur as per the rites, ceremonies and customs prevailing in their community. Out of this wedlock, they have blessed with one male child namely Master Somanshu. Due to differences of opinion and understanding they were unable to lead happy marital life. They are residing separately since 21.01.2021. As per terms and conditions, there is no dispute about gifts, ornaments, home appliances etc. between parties. There is no possibility of reunion between them. They have decided to dissolve the marriage by decree of mutual divorce. Hence, this petition for dissolution of marriage by mutual consent.

03. The points for determination along with my findings and reason thereon are as under :

<b><u>Sr. No.</u></b>	<b><u>POINTS</u></b>	<b><u>FINDINGS</u></b>
1.	Whether petitioners are entitled for decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act ?	<b>In the affirmative</b>
2.	What order ?	<b>As per final order.</b>

**REASONS**

**As To Point Nos.1 And 2 :**

04. For a decree of dissolution of marriage by mutual consent under Section 13-B of the Hindu Marriage Act, the Court has to satisfy that :

(i) Marriage has been solemnized between the parties

(ii) The parties have been living separately for more than one year before presenting the petition

(iii) They were not able to live together at the time of presenting the petition and continued to live separate

(iv) They mutually agreed to dissolve the marriage before or at the time of presentation of petition and

(v) Averments made in the petition and conditions under Section 23 are fulfilled.

05. The petitioner No. 1 has filed her affidavit in lieu of her examination-in-chief at Exh.07 whereas, the petitioner No. 2 has filed his examination in chief at Exh.08. They have also relied upon the documents i. e. invitation card (Exh.09), Aadhar card of petitioner No.1 (Exh.10) and Aadhar card of petitioner No.2 (Exh.11) and they have filed evidence closed pursis at Exh.12. They have deposed that due to their differences of opinion and understanding they are unable to live together. They are residing separately since 21.01.2021. As per terms and conditions, there is no dispute about gifts, ornaments, home appliances etc. between the parties.

06. Petitioners filed this petition under Section 13(B) of the

Hindu Marriage Act 1955 on 10.06.2025. They have settled their dispute and decided to live separate. It is informed that, reunion is not possible and they agreed to separate. Parties are residing separately since 21.01.2021 meaning thereby the statutory period of six months specified in Section 13-(b), in addition to the statutory period of one year under Section 13(B)(1) of separation of parties is already over.

07. Efforts of reconciliation were made before this Court. But it could not be succeeded and there is no likelihood success in that direction. After making inquiry with the petitioners, I found that the averments in the petition are true and petitioners are not able to live together. Therefore, marriage between the petitioner is required to be dissolved by decree of divorce. I have also observed that, the parties had complied with the respective obligations. Particularly, in as much as the compliance as agreed had stood satisfied. On examination of the evidence of the parties as well as averment in the plaint clearly set out that, petitioners are living separately with effect from 21.01.2021 which is for a period more than 5 years 2 months. They have not been able to live together for the reasons which are stated in the plaint. The consent of none of the parties is obtained by force, fraud or coercion.

08. On perusal of the averment as made in the plaint and in examination of evidence of the parties and on hearing learned counsel for the parties, I am satisfied that, the marriage solemnized between the parties deserved to be annulled for consent as prayed for granting a decree of divorce by mutual consent under Section 13(B) of the Hindu Marriage Act, 1955. As all the necessary requirement of

the said provisions are satisfied. Hence, I answer point No.1 in the affirmative and in answer to point No.2, I pass the following order :

**ORDER**

1. The petition is allowed.
2. Marriage between Mrs. Ashwini w/o Sunil Musale and Mr. Sunil s/o Tejram Musale is solemnized on 12.03.2018 is **dissolved** from today as per Section 13(B) of the Hindu Marriage Act, 1955.
3. No order as to costs.
4. Decree be drawn up accordingly.
5. Copy of decree be given to the parties free of costs vide Section 23(4) of the Hindu Marriage Act, 1955.
6. Dictated and declared in open Court.

Place : Saoner.

Date : 17.04.2026

(S. A. Sardar)  
Civil Judge Senior Division Saoner  
District - Nagpur.

**ENDORSEMENT**

Sr. No.	Endorsement		Date
1	Case argued on	:	12.03.2026
2	Judgment dictated on	:	17.04.2026
3	Transcription ready on	:	17.04.2026
4.	Judgment checked and signed on	:	17.04.2026

**CERTIFICATE**

I affirm that the contents of this PDF file of Judgment are word to word as per original Judgment.

Name of the Stenographer:- Sau. L.M.Shendre  
Stenographer (Grade-II)