

MHNG190000922026



Presented on : 02.03.2026

Registered on : 02.03.2026

Decided on : 24.03.2026

Duration : 00Y- 00 M-22D

(Exh. No. 13)

**IN THE COURT OF CIVIL JUDGE SENIOR DIVISION, KATOL,
DISTRICT - NAGPUR**

(Presided over by M. Z. A. A. Q. Quraishi)

HINDU MARRIAGE PETITION NO. 41/2026

1. **Sau. Yogita W/o. Ganesh Rewatkar,**
Aged about 29 Yrs., Occu. - Housewife,
R/o. C/o. Bhagwatraoji Gurmule,
Galpura, Katol, Tq. Katol, Dist. Nagpur

2. **Ganesh S/o. Vitthalrao Rewatkar,**
Aged about 35 Yrs., Occu. Labourer,
C/o. Rewatkar Layout, Khutamba Road,
Tah. Katol, Dist. Nagpur.

... **Petitioners**

- V e r s u s -

- N I L -

... **Respondent**

PETITION UNDER SECTION 13(B) OF THE HINDU MARRIAGE ACT
FOR GRANT OF MUTUAL DIVORCE.

Adv. Shri S. R. Ladse for the Petitioners.

J U D G M E N T

(Delivered on this 24th day of March, 2026)

This is a petition for divorce by mutual consent under section 13-B of The Hindu Marriage Act, 1955 (hereinafter referred to as "the Act" for short).

2. The background facts, which led to this petition can be summarized as under ;

The marriage of petitioner No. 1 was solemnized with Petitioner No. 2 at Nagar Bhawan, Khoja Layout, Nagpur, on 20.04.2017. Out of the said wedlock, the petitioners have one son namely Veer and he resides with petitioner No. 2. After the marriage, petitioner No. 1 started residing with petitioner No. 2. However, the matrimonial disputes cropped up between them. Due to consistent quarrel and disputes between the petitioners, petitioner No.1 left the company of petitioner No. 2 and started residing with her father since 16.01.2025. The petitioners were unable to lead a peaceful and happy matrimonial life. The petitioners have been residing separately since 16.01.2025. Therefore, the petitioners have mutually decided to get separated from each other. As per the settlement, petitioner No. 1 has waived her maintenance rights against petitioner No. 2. The petitioners further agreed that they will not claim anything from each other in future and will not claim in the property of each other. Hence, the petitioners have filed the instant petition for divorce by mutual consent.

3. With a view to explore the possibility of reconciliation between the parties, the matter was referred for mediation. The Mediator, after appropriate counseling, submitted the mediation failed report (Exh.5). The parties submitted that they have not settled their dispute amicably and they have agreed to dissolve the marriage by mutual consent on terms and conditions incorporated in the petition. Moreover, since the petitioners fulfilled the criteria

enumerated in **Amardeep Singh vs. Harveen Kaur, (2017)8 SCC 746**, the cooling period of six months from the date of presentation of the petition, came to be waived by passing order below Exh.6. Thereafter, the petitioners made a joint motion for taking the petition for divorce by mutual consent for consideration.

4. Perused the documents filed on record and heard the learned counsel for the petitioners. The Court, consequent to the report of the Mediator, has made inquiry with the petitioners and heard them personally. Petitioner No.1 Yogita W/o. Ganesh Rewatkar filed her evidence affidavit at Exh.7. Whereas, petitioner No.2 Ganesh S/o. Vitthalrao Rewatkar filed his evidence affidavit at Exh.10. The petitioners have made statements in consonance with the averments in the petition. The petitioners have also filed the documents on record which include Aadhar cards of petitioners (Exh.8 and 9) and copy of marriage card (Article-A). The petitioners closed their evidence by filing pursis (Exh.11). The petitioner also filed compliance pursis (Exh.12) contending therein that all the terms and conditions have been complied and nothing is remained to be exchanged.

5. From a conjoint reading of the petition and the statements of the petitioners (Exh.7 and 10), it becomes evident that the conditions necessary for entertaining a petition under section 13-B(1) of the Act have been complied with. The petitioners have been residing separately since 16.01.2025 till the presentation of the present petition. It further appears that the petitioners have not been able to cohabit together and they have agreed to dissolve the

marriage by mutual consent.

6. During the course of hearing, it transpired that the marriage was tainted with differences. The things had come to such a pass that they are unable to live together anymore. The averments in the petition regarding separation of the petitioners, inability to reside together and decision to part ways by mutual consent, appears to be true.

7. Petitioner No.1 has conceded that she has relinquished her right to maintenance and rights in the properties of petitioner No.2. It further appears from the evidence of the parties that, the petitioners have no disputes about the gold and silver ornaments. It seems that on account of irreconcilable differences the petitioners have taken a conscious decision to disrupt the marital-tie and have also worked out a comprehensive settlement.

8. It did not appear that the consent of any of the petitioner either for presentation of the petition or for joint motion is vitiated by force, fraud, coercion or undue influence. On the contrary, the consent of the petitioners manifested in the presentation of the petition has remained intact till today. There is a possibility of remarriage of both the petitioners. In this backdrop, I do not find any legal impediment for passing a decree of divorce by mutual consent.

Thus, the petition deserves to be allowed. Hence, I pass the following order ;

ORDER

1. The petition stands allowed.
2. The marriage between petitioner No.1 and 2 dated 20.04.2017 stands dissolved by this decree of divorce by mutual consent.
3. A copy of this decree be furnished to petitioner No.1 and 2 free of costs.
4. Decree be drawn up accordingly.

Date : 24.03.2026

(M.Z.A.A.Q. Quraishi)
Civil Judge Senior Division,
KATOL

CERTIFICATE

I affirm that the contents of this P.D.F. file of Judgment/order are word to word, as per original judgment/order.

Name of Stenographer : Pravin T. Mandale (Steno-Gr. II)
to, Civil Judge (Sr.Dn.),Katol.

Endorsement

As per Circular No.37/Judl. Br./2018, District and Sessions Court, Nagpur, Dtd. 31 st July, 2018		
Case argued on	...	24.03.2026
Judgment/order dictated on	...	24.03.2026
Transcription ready on	...	24.03.2026
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