

Judgment

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Special Marriage Petition No.4/2026

MHRT010000952026



Received on : 10.02.2026

Registered on : 10.02.2026

Decided on : 23.04.2026

Duration : Ys. Ms. Ds.

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IN THE COURT OF DISTRICT JUDGE-1, RATNAGIRI
(Presided over by A. M. Ambalkar, District Judge-1,
Ratnagiri)

Special Marriage Petition No.4/2026

Exh. No. 15

1. Sau. Sonali Swapnil Desai,

(Before Marriage:- Sonali Avinash Shirke)

Age 31 yrs., Occu.: Service,

R/o. Palikadshi Wadi, Khopad,

Tal. Chiplun, Dist. Ratnagiri.

Petitioner/Applicant No.1

And

2. Swapnil Suryakant Desai,

Age 33 years, Occu.: Business,

R/o.2039, Pushpendra Nagar,

Salvi Stop, Tal. & Dist Ratnagiri

Petitioner/Applicant No.2

JUDGMENT

(Dictated and delivered in open Court on 23.04.2026)

1. By way of present application under Section 28 of the Special Marriage Act the applicants have prayed for divorce by mutual consent and for dissolution of their marriage solemnized

on 09.07.2024 under Special Marriage Act 1954.

2. Ld. Advocate Shri. Vivek Dubey for the applicants submitted that the parties have entered into nuptials tie as per provision of Section 11 of the Special Marriage Act on 09.07.2024. However, soon after their marriage the parties found that there are serious differences between them in respect of perspectives on life, ideology and living standards. Therefore frequent quarrels and misunderstanding occurred which made it impossible for them to live together as husband and wife.

3. Petitioner no.1 left matrimonial house on 20/07/2024 and started to reside at Chiplun with her parents and since then both of them have been residing separately and there is no co-habitation between them. Relatives, elders and friends of them tried to reconcile the parties and persuaded them to resume matrimonial life. But all such efforts failed. Therefore they mutually decided to be separated. They mutually settled all their disputes. Petitioner no.2 returned all the golden ornaments to petitioner no.1. The petitioner no.1 has returned all the articles received to her from petitioner no.2. There are no pending claims regarding, maintenance, alimony, stridhan, property or any other monetary claim. They have relinquished all rights against each others. There is no child born out of this wed-lock. Hence, this petition, which is filed voluntarily and with free consent of both the petitioners. There is no coercion, fraud, undue influence or pressure. Finally, it is prayed to allow the petition.

4. I have gone through the petition, the affidavits in support by both the applicants.

5. As per copy of Marriage Certificate the applicants have performed marriage as per provision of Section 11 of the Special Marriage Act on 09.07.2024. Therefore, the application under Section 28 of the same Act is maintainable. The parties have prayed for waiver of the period of six months as per provision of Section 28(2) of the Special Marriage Act.

6. If the contents of the application are gone through, it appears that the parties have entered into nuptials tie as per provision of Section 11 of the Special Marriage Act on 09.07.2024. Within few days of marriage the parties found that there are serious differences between them in respect of perspectives on life, ideology and living standards. Both of them have been residing separately since more than one year. In spite of various attempts of settlement through family members of either parties differences could not be resolved. However, it revealed that they could not continue their life as husband and wife, marital tie had irrevocably broken. There is no possibility of reunion.

7. In these circumstances, it can be said that the six months cooling period can be waived as there is no possibility of reunion and co-habitation between parties.

8. The Hon'ble Supreme Court has observed in the case of ***Amardeep Singh Vs. Harveen Kaur, reported in 2017 LawSuit(SC) 925*** especially para 18 that;

[18] Applying the above to the present situation, we are of the view that where the Court dealing with a matter is satisfied that a case is made out to waive the statutory period under Section 13B(2), it can do so after considering the following :

- 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.*

In para 20 of the same decision it has observed that,

“if the above conditions are satisfied, the waiver of the waiting period for second motion will be in the discretion of the Court”.

In para 21 it has observed thus,

“Since we are of the view that the period

mentioned in Section 13B(2) is not mandatory but directory, it will be open to the Court to exercise its discretion in the facts and circumstances of each case where there is no possibility of parties resuming cohabitation and there are chances of alternative rehabilitation”.

9. The present matter has been filed on 10.02.2026. The parties were referred for mediation vide order dated 11.02.2026. As per mediation report Exh.10-A, it appears that matter could not be settled and failure report has been filed on record. Considering the over all circumstances, it appears that the marital tie between the applicants has irretrievably broken.

10. It also appears that the parties have genuinely settled their differences including alimony. It has mentioned in the application that, the applicants have returned gifts donated by each other and relinquished their rights on other parties which might have remained with the parties. The applicant No.1 wife is not claiming any alimony or maintenance from applicant No.2. She had relinquished all her legal rights towards the same. I have personally confirmed the same from the parties present in the Court during interaction with both the parties. I have satisfied that the marriage has solemnized under this Act and the averments in the petition are true. Hence, it is necessary to dissolve the marriage with effect from the date of this decree.

11. Considering over all circumstances, it is fit case

where the marriage between the parties is required to be dissolved by appropriate order. So also this is a fit case where waiting/cooling period is required to be waived for the welfare and betterment of the parties. Hence, I pass following order.

ORDER

- 1) The special Marriage Petition No. 4/2026 is allowed.
- 2) The marriage dated 09.07.2024 between the applicants are hereby dissolved with effect from the date of this decree.
- 3) The decree be drawn up accordingly.

Date :- 23.04.2026

**(A. M. Ambalkar)
District Judge-1, Ratnagiri.**

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

Case Number		Special Marriage Petition no. 4/2026
Name of Stenographer	:-	Mr. Rajesh G. Rahate
Name of Court	:-	District Judge-1, Ratnagiri
Date of Dictation on computer	:-	23.04.2026
Order signed by the P.O. on	:-	23.04.2026
Order uploaded on	:-	23.04.2026