

ORDER BELOW EXH.10 IN MARRIAGE PETITION NO.107/2026
(Sou. Arohi Avinash Gurav & another Vs. Nobody)
(CNR NO.: MHRT120002472026)

Present application is filed by applicants seeking relief of waiver of mandatory period of 6 months.

2. According to applicants, they have filed petition for divorce by mutual consent. Applicant no.1 is residing separately since 15.09.2023 and thereby more than 2 years have been lapsed. Hence, it is prayed that mandatory period of 6 months be waived.

3. Read the application. Heard Ld. Advocate for the applicants. It is settled position of law as held by Hon'ble Supreme Court in Amit Kumar Vs. Suman Beniwal Civil Appeal No. 7650 of 2021 (Arising out of SLP (Civil) No. 20108 of 2021) decided on 11.12.2021 wherein Hon'ble Supreme Court also considered the ruling of Amardip Singh Vs. Harveen Kaur wherein Hon'ble Supreme Court held that "statutory waiting period of at least six months mentioned in Section 13B(2), of the Hindu Marriage Act was not mandatory but directory and that it would be open to the Court to exercise its discretion to waive the requirement of Section 13B(2), having regard to the facts and circumstances of the case, if there was no possibility of reconciliation between the spouses, and the waiting period should serve no purpose except to prolong their agony".

4. On perusal of pleadings Exh. 1, it reveals that, applicants residing separately from 15.09.2023 and present petition filed on 06.05.2026. Considering all facts, it is crystal clear that at

the time of filing of petition more than 1 year has been lapsed from the date when both applicants residing separately. Report of mediation Exh.9 itself shows that there is no likelihood of success in the process of reunion of the parties by any further efforts. Pleading shows that the parties have genuinely settled their differences including alimony or any other pending issues between the parties. Considering all facts, I am of the view that this is fit case to exercise the discretion thereby to waive the mandatory period because further waiting period will certainly prolong their agony. Hence, application deserves to be allowed. In result, I pass the following order.

=ORDER=

1. Application is allowed and mandatory period of 6 months before going to second motion is waived.
2. Parties to take note.

Khed.
Date: 07.05.2026

(Gautam S. Diwan)
Jt. Civil Judge Senior Division,
Khed, Dist. Ratnagiri.

-CERTIFICATE-

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

Name of Stenographer	Smt. S.K.Kharat, Stenographer-III
Name of Court	Joint Civil Judge (S.D.), Khed.
Date of decision/typed	07.05.2026
Order signed by the PO. on	07.05.2026
Order uploaded on	07.05.2026