

Sau. Sharda and Gunaji Vs. Nil



ORDER BELOW EXH. 01
(Passed on 17th April, 2026)

01] The present petition is on behalf of petitioner No.1 – Sau. Sharda Gunaji Bawane and petitioner No.2– Gunaji Kanba Bawane for divorce by mutual consent vide Section 13-B of the Hindu Marriage Act, 1955.

02] The present petition is filed on 17/01/2026. In the light of observation of Hon'ble Apex Court in the case of **Amardeep Singh Vs. Harveen Kaur in (Civil Appeal No.11158/2017), dated 12.09.2017** the period mentioned in Section 13-B (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. Thus, the waiver of waiting period will be in the discretion of the Court.

03] Relying on this observation applied to the facts of the present case, it appears that petitioner No. 1 and 2 married at about 12 years back. After marriage, the petitioner No. 1 cohabited with petitioner No. 2 for about some period, but Petitioner No. 1 and 2 were daily quarreling with each other. Thereafter, petitioner No. 1 is residing at her parental house from the year 2017. After filing of the present petition, it was kept for second motion on 17/04/2026, so as to think over decision taken by them.

04] Petitioner No. 1 and 2 are present with their advocate. Petitioner No. 1 and 2 filed their affidavits vide Exh. 09 and 10 respectively.

05] In the light of affidavits of petitioners, it appears that they have not chosen to stay together. Thus, there is no chance of reconciliation between them to reunite for cohabitation. The parties have decided to opt for divorce by mutual consent. The parties firmed to get their marriage separated by decree of divorce by mutual consent. In order to give one more opportunity, I personally spoke to the parties but they are bent upon their decision to get the marriage separated by divorce. There is no scope for reconciliation between the parties.

06] Petitioner No. 2 has paid an amount of Rs.20,000/- (In words Rupees Twenty Thousand only) to petitioner no.1, towards the permanent alimony, to which petitioner No. 1 has acknowledged. Further, the petitioner no. 2 has handed over golden ornaments to petitioner no.1 to which petitioner no.1 has acknowledged. Further, petitioner no.2 has handed over all the gifts received in marriage to the petitioner No. 1 as per the agreed terms, to which petitioner No. 1 has acknowledged.

07] Further, it is agreed between the petitioner no.1 and 2 that, the marriage expenses of the daughter Sunita, aged 14 years and Sonakshi, aged 11 years would be born by the petitioner no.2 Gunaji, to which petitioner no.2 has acknowledged. It is also agreed between the petitioner no.1 and 2 that, the petitioner no.1 Sharda has undertaken the whole responsibility of maintaining the two daughters, to which petitioner no.1 has acknowledged. It is also agreed between the petitioner no.1 and 2 that the petitioner no.1 will be permitting

petitioner no.2 to visit their daughters at reasonable time, to which petitioner no.1 has acknowledged. Thus, as per the terms as agreed between them are fulfilled.

08] The parties agreed to the terms and conditions mentioned in their affidavit. Thus, there are satisfactory grounds to grant divorce by mutual consent for dissolution of their marriage vide Section 13-B of the Hindu Marriage Act, 1955. With this, I pass the following order ;

:: ORDER ::

01] It is hereby declared that the marriage between petitioner No. 1 and 2 solemnized at about 12 years back is dissolved by divorce by mutual consent from today, dated 17/04/2026 vide Section 13-B of the Hindu Marriage Act, 1955.

02] Parties to bear their own costs.

03] Copy of this order be provided to petitioner No. 1 and 2 free of costs forthwith vide Section 23 (4) of the Hindu Marriage Act, 1955.

04] Decree be drawn up accordingly.

05] Proceeding closed.

Date : 17/04/2026.

(S. S. Aradwad)
Civil Judge Senior Division,
Darwha.

CERTIFICATE

I affirm that the contents of this PDF file Judgment/order are same word for word as per original Judgment/order.

Name of Stenographer	R.H. Lokhande (Grade-II)
Court Name	Shri. S. S. Aradwad, Civil Judge Sr.Dn., Darwha, Dist. Yavatmal.
Date of Judgment/order	17-04-2026
Judgment/order signed by Presiding Officer on	17-04-2026
Judgment/order uploaded on	17-04-2026