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Received on : 23/09/2025

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Decided on : 06/04/2026

Duration : Y M D
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IN THE COURT OF DISTRICT JUDGE-1, KELAPUR,
DIST. YAVATMAL.

(Presided over by A. M. Deshmukh)

Special Marriage Petition No. 7/2025

Exh.16.

- 1) Sachin Arunrao Kubade,
Aged about : 36 years,
Occupation : Cultivation,
R/o Aashta (Neri),
Tq. Dist. Wardha.,
- 2) Sau. Nanda Sachin Kubade
(After marriage)
Ku. Nanda Ashok Tekam
(Prior to marriage),
Aged about : 25 years,
Occupation : Household,
C/o Ashok Daulat Tekam,
R/o At Post Munzala,
Tq. Kelapur, Dist. Yavatmal. **PETITIONERS**

.. V E R S U S ..

NONE.

..... RESPONDENT.

Petition under Section 28 of the Special Marriage Act, 1954
for Decree of Divorce.

Ms. A. S. Khan	...	Advocate for Petitioner No.1,
Mrs. S. P. Jaiswal &	...	Advocate for Petitioner No.2.
Ms. S. D. Meshram		

J U D G M E N T

(Delivered on 06th April, 2026)

This petition has been filed by the Petitioner Nos. 1 and 2 for grant of mutual divorce under Section 28 of the Special Marriage Act, 1954.

02. In short, the contention of Petitioners are that Petitioner Nos. 1 and 2 have married on 10/04/2023 before Marriage Officer, Wardha under the provision of Special Marriage Act and hence provisions of Special Marriage Act are applicable to them. After marriage petitioner No.2 went to petitioner No.1 to lead matrimonial life in his joint family i.e. in her matrimonial house. After one month of marriage internal conflicts due to trifle matter between petitioners were cropped up and discord developed. Due to this, petitioner No.2 went to her parental house on 17/06/2023 and since then she was residing separately with petitioner No.2 at her parental house at village Munzala, Tq. Kelapur, Dist. Yavatmal situated within the jurisdiction of this court. Since 17/06/2023, petitioner No.2 never cohabited and resided with petitioner No.1. Efforts have been made by the parents of both petitioners for their cohabitation, but turned futile. Hence, both petitioners have taken decision to end their dispute by taking decision of mutual divorce thereby settling their dispute and Special Marriage Petition No. 1/2024 filed by petitioner No.2 against petitioner No.1 by amicable way out through mediation. There are no

chances of cohabitation in future and due to irreconcilable breakdown of marital ties, they decided to culminate their marital ties by mutual divorce. There is no dispute pending about any property against them. Petitioner No.2 is residing in jurisdiction of this Court at Post Munzala, Tq. Kelapur, Dist. Yavatmal at her parental house till date since 17/06/2023 and thus this court having jurisdiction to entertain this petition. There is no coercion, fraud or misrepresentation played by the petitioners. They urged to grant decree for mutual divorce by allowing their application as prayed.

03. Petitioners after first verification have gone for mediation but the matter is not settled through mediation as both petitioners are not ready for cohabitation. Thereafter, petitioners moved an application to waive the statutory period i.e. cooling period for the second motion at Exh. 11. Upon considering entire facts and circumstances as there are no chances of reunion of fresh cohabitation, statutory cooling period for second motion is waived of. After waiving this statutory period both petitioners have filed their evidence on affidavit and exhibited relevant documents.

04. Heard learned Advocate for petitioners. Perused the petition, evidence adduced and documents filed by the petitioners alongwith entire record.

05. Following points arises for my consideration and findings it with reasons thereon as under.

Sr No	POINTS	FINDINGS
1.	Whether petitioner Nos. 1 and 2 proved that they are entitled for a declaration of dissolution of their marriage dated 10/04/2023 solemnized before Marriage Officer, Wardha under the provisions of Special Marriage Act, 1954 thereby granting decree of mutual divorce ?	In affirmative.
2.	What order	As per final order.

As to point no. 1 and 2.

06. For convenience, to avoid repetition and to maintain brevity, these points are taken together for discussion.

07. Petitioner Nos. 1 and 2 have filed their separate evidence on affidavit at Exh. 13 and Exh. 14 respectively. I have personally verified both the petitioners and they deposed that the contents of their affidavit are true and correct. I have verified the documents filed in evidence. Petitioner No.1 has filed the document of registration of their marriage which is at Exh.14-C. I have perused marriage registration certificate issued by Marriage Officer, Wardha dated 10/04/2023 under Special

Marriage Act, 1954. This document is exhibited and proved by the petitioner No. 2 in her evidence. Also, petitioners have filed their Aadhaar Card. From the document filed on record petitioners have established that their marriage were solemnized before Marriage Officer, Wardha on 10/04/2023 under the provisions of Special Marriage Act.

08. Perusal of evidence of petitioners reflects that they have been residing separately since 17/06/2023 till the filing of said petition and thereafter i.e for the period of about two and half years till date from 17/06/2023. Their evidence further reflects that efforts for reconciliation and mutual settlement have been made by themselves and their relatives. But due to their matrimonial dispute and discord they are unable to live together and residing separately thereby decided to take mutual divorce. It further reflects that thus this petition is filed by them willingly and voluntarily. It further reflects that there is no chance for their cohabitation or for their reconciliation and there is no dispute remained between them for anything. In view of their period of separation as stated by the petitioners, it further appears that petitioner No.2 is not pregnant at present from petitioner No.1. Their evidence also reflects that both petitioners are firm about their decision of mutual divorce and thus it seems that there are no more chances for their cohabitation in future. It does not appear that child was born out of wedlock of petitioners. As also submitted by the learned Advocate for the parties, the petitioners

do not have children.

09. From the overall facts and circumstances, it reflects that there is no force, coercion, collusion or fraud between them to obtain the decree for mutual divorce and both Petitioners have filed this petition voluntarily and as per their will. Both petitioners have not ready to cohabit with each other and want mutual divorce.

10. Thus in view of all attending facts and circumstances and evidence and material brought on record, it is in the best interest of both petitioners that decree for mutual divorce by dissolution of their marriage shall be passed. As petitioner No.2 has been residing with her parents in a village situated within jurisdiction of this court from 17/03/2023 till date, this court is having territorial jurisdiction to entertain this petition.

11. Considering all attending facts and evidence brought on record, it is clearly concluded that petitioner Nos. 1 and 2 have made out the ingredients necessary to pass a decree of mutual divorce under Section 28 of the Special Marriage Act, 1954 as prayed. Hence, in view of above discussion, I hold point No. 1 in affirmative and while answering point No. 2, I pass the following order.

ORDER

1. Petition is allowed. As a consequence, it is declared that marriage solemnized between the Petitioner Nos. 1 and 2 on 10/04/2023 before Marriage Officer, Wardha, Tq. Dist. Wardha is hereby dissolved by granting decree of mutual divorce.

2. Decree be drawn accordingly.

3. Petitioners to bear their own costs in view of nature of lis.

(Dictated and pronounced in open Court today.)

Kelapur
Date : 06/04/2026

(A.M.Deshmukh)
District Judge-1, Kelapur,
Dist. Yavatmal.