

**IN THE COURT OF SH. MUNISH GARG, PCS,
ADDITIONAL CIVIL JUDGE (SENIOR DIVISION), PATTI
(UNIQUE IDENTIFICATION NO. PB 0310)
(*Exercising the powers of District Judge*)**

CNR NO. PBTTA0-001115-2018

H.M.A. No.83/2018

Date of Institution: 14.12.2018

CIS No. HMA/94/2018

Date of Decision: **20.05.2019.**

Sewa Singh son of Tasvir Singh Caste Jat Sikh, resident of village Sandhra,
Tehsil Patti, District Tarn Taran.

.....Petitioner no.1

And

Lovejot Kaur wife of Sewa Singh Daughter of Satnam Singh S/o Atma Singh,
resident of village Dial Rajputan, Tehsil and District Tarn Taran.

.....Petitioner no.2

**Joint petition under Section 13-B of Hindu
Marriage Act, 1955 for dissolution of
marriage by way of decree of divorce.**

Present: Petitioners with counsel Sh. K.S.Mand Advocate.

JUDGMENT:-

1. Petitioners have approached the Court under Section 13-B of The Hindu Marriage Act, 1955 for dissolution of their marriage with the averments that their marriage took place on 16.11.2016 at Gurudwara Bhatt Sahib Patti, as per Sikh Religious Rites and ceremonies by performing Anand Karaj

ceremony. The parties are governed by provisions of Hindu Law. After the marriage, the petitioners lived and cohabited together as husband and wife and no issue was born out of this wedlock. The petitioners could not pull on together due to divergent habits and behaviour. Consequently, they started residing separately from each other for the last more than one and half year on account of differences in their temperament and nature. Since then, they had not cohabited together and also could not reconcile. In fact, there was no chance or hope of reconciliation. Ultimately, with the intervention of parents, panchayat and other well-wishers of both the parties, petitioners agreed to get their marriage dissolved by way of divorce on the basis of mutual consent. Petitioner no.2 has settled her past, present and future maintenance with the petitioner no.1. The petitioner no.2 had also received her all Istridhan, golden ornaments and belongings from the petitioner no.1 at the time of first motion statement and now nothing is due towards petitioner no.1. Hence, the present petition, seeking divorce on mutual consent, which has been filed without any improper delay or without any collusion between the parties.

2. At the time of filing of the present petition, both the petitioners recorded their statements on oath before Court on 19.11.2018 wherein they reiterated the entire version of petition, adding that petitioner no.1 had paid all past, present, future maintenance and all Istridhan as well as gold ornaments to petitioner no.2. Thereafter, the parties were given mandatory period of six months so that they might reverse their decision. However, they again appeared on 20.05.2019 i.e. today and they stood by their old versions and

gave statements on oath in Court wherein they accepted their previous statements recorded in the current proceedings as correct and prayed for passing of decree of dissolution of their marriage by way of mutual consent, as there is no chance of reconciliation between them.

3. **I have heard the learned counsel for the petitioners and have perused the record carefully and minutely.** Both the petitioners were consistent in their stand that they got married on 16.11.2016 and that they had been residing separately for more than one and half year before filling of present petition. Petitioner no.2 also stated that she already had received the entire dues from petitioner no.1.

4. The facts and circumstances detailed above and record available on file, nowhere reveal any reason which would debar the petitioners from claiming the relief of dissolution of their marriage by way of mutual consent. It has come on record that petitioners are husband and wife who have been living separately for a period of more than one and half year before filing of the present petition and that they have not been able to live together and that they have mutually agreed that their marriage should be dissolved. After hearing the parties at the time of recording of their statements in second motion, the Court is satisfied that marriage was solemnized between petitioner no.1 and 2 and that there are no chances of reconciliation and the averments made in present petition are correct. The Court, therefore, finds petitioners entitled to decree of divorce by way of mutual consent.

5. Accordingly, the present petition is accepted and decree of divorce

is passed in favour of petitioners declaring their marriage dissolved with effect from the date of decree i.e. today. Parties shall bear their own costs. Decree Sheet be prepared accordingly. File be consigned to Judicial Record Room, Tarn Taran after due compliance.

Pronounced in the open Court:

Dated: 20.05.2019.

(Arun II)

(Munish Garg) PCS

Additional Civil Judge (Senior Division)

Patti. (UID No. PB 0310)

Note: This Judgment has been directly dictated on computer and contained 4 pages and all the pages have been checked and signed by me.

Dated: 20.05.2019.

(Arun II)

(Munish Garg) PCS

Additional Civil Judge (Senior Division)

Patti. (UID No. PB 0310)