

IN THE COURT OF ADDITIONAL DISTRICT JUDGE,UDHAMPUR

File No. Matri case/64/2022

C .No. 118/2022

CNR No.JKUD020010282022

Date of Institution: 11.10.2022

Reserved on: 06.07.2023

Pronounced on: 12.07.2023

1. Sat pal Sharma , age 36 years S/o Shiv Nath R/o Village Sehal.
Kakrai,Tehsil Majalta District Udhampur.
 2. Shallu Devi,age 21 years W/o Satpal Sharma D/o Hans Raj R/o Village
Darsoo ,Tehsil & District Udhampur.
- Through:** Mr. Sunil Kumar Advocate for petitioners present.

Versus

Nemo

In the matter of : Petition U/S 13-B of Hindu Marriage Act 1955 for the decree
for dissolution of marriage by mutual consent.

CORAM: Dinesh Gupta

J.O.Code No. JK0147

ORDER

1. The parties have filed petition under Section 13 -B Hindu Marriage Act for dissolution of marriage by mutual consent. The petition was presented on 11.10.2022. First motion statement of the parties was recorded and the matter was postponed for recording the second motion statement after availing cooling period.
2. On 06.07.2023 parties appeared in person. I have interaction with them & I find that they have taken an independent conscious decision to have a decree of divorce by mutual consent. Parties are living separate from each other & there is no scope for their reunite as married couple. Parties have amicably resolved their entire disputes & have decided to give quietus to the entire civil & criminal cases.
3. The petition was instituted on 11.10.2022 mentioned therein that marriage between the petitioners was solemnized according to Hindu rites and custom on 13.12.2018. After the marriage the parties resided as wife and husband for about 18 months in the matrimonial house and with the passage of time incompatibility developed between the behavior of both the petitioners and on one pretext or the other, the quarrel used to erupt between them and ultimately it reached to an irretrievable stage and now it has become impossible for both the parties to live together as husband and wife further more. Different types of litigation were filed by both the petitioners against each other, there were allegations and counter allegations in those litigations which compelled the petitioners to depart their hearts and left no love, affection and respect for each other and as such the relations deteriorated day by day and reached to such a stage where it became impossible for both the parties to retrieve back and to live together as husband and wife. Both the parties do not want to contest any litigation against each other but they both want to dissolve their present marriage.

4. Parties had several meetings in presence of respectable members of society and the final modalities for the settlement of dispute were worked out. It is relevant to state here that in terms of settlement arrived at between the parties, it is decided that the petitioners shall part away the company of each other in pursuance of which the parties have already entered into an mutual divorce deed on 07.10.2022 which has been duly attested by Notary Public and the same is annexed herewith. Petitioners have settled all other issues interse in respect of maintenance, alimony, etc and petitioner No.2 has undertaken not to claim any future maintenance for herself from petitioner No.1 and shall not raise any claim whatsoever in respect of marriage in future.
5. Keeping in view the above said circumstances both the parties along with their family members from both sides after thorough deliberations and consideration have reached to the conclusion that in order to avoid further deterioration in relationship, both the petitioners out of free will and accord agree to get separated from each other.
6. The parties to this petition have resolved mutually to seek the dissolution of their marriage by way of decree of divorce on following terms and conditions:
 - a) None of the parties will indulge in any kind of litigation against each other relating to their married relation in any court of law and also will not implicate each other in court cases for such relations.
 - b) That the applications/petitions, if any, filed by either of the parties in any court/forum etc. will be withdrawn at the earliest.
 - c) That both the petitioners are young and as such both the parties are at the threshold of passing the age of marriage and if decree of dissolution of marriage is denied to the parties, there is every chance that the parties will be deprived of chances of further marriage because of their age.
 - d) That both the parties will be at liberty to re-settle in their family including the option of re-marriage after the dissolution of marriage between them by way of decree of divorce.
7. Both the petitioners have mutually agreed that the marriage should be dissolved and a decree of divorce by way of mutual consent be passed in favour of the petitioners.
8. Heard learned counsel for the petitioners and also perused the record. This court also made the efforts for reconciliation but the parties reiterated their respective stand to get the divorce by mutual consent.
9. The statements of the parties were recorded firstly on 11.10.2022 and then on 06.07.2023 in which they have stated that they lived as husband and wife for few only 18 months. The petitioners are living separate since more 18 months & cannot live together and they have not cohabited during this period. Due to the differences in their temperaments, habits, taste and thoughts they cannot live as husband and wife. Parties have supported the contents of the petition jointly filed by them. It has come in the statement of the parties that they are living separately from the last more than 18 months. The parties still stand by their decision to dissolve the marriage by mutual consent.
10. There is no outstanding issue left behind by the parties. The parties have been identified by Mr. Sunil Kumar Advocate.
11. From the perusal of the petition and the statement of the parties this court is satisfied that there is no scope for re-union of parties or to live together as married couple. They are eager to dissolve the marriage so they may go for rehabilitation in the life. The parties have decided to live separate and lead

independent life & they voluntarily seek dissolution of marriage. The parties have stick to their initial stand taken in the petition & there is no scope for their reuniting or to lead the normal life as husband & wife. Thus, the petition is allowed and the marriage between the parties stands dissolved by mutual consent. A decree sheet be prepared accordingly. No order to the costs. The petition is disposed of and it shall be consigned to records after its due compilation.

Announced
12.07.2023

Additional District Judge
Udhampur