

**IN THE COURT OF JYOTSNA SUMANT DADHWAL, PRINCIPAL
JUDGE, FAMILY COURT, KANGRA AT DHARAMSHALA, H.P.**

H.M.A No. 227-D/III/2023.
CIS Registration No: 703/2023.
Filing No. 3666/2022.
CNR No. HPKA010070032022.
Date of Presentation: 21.12.2022.
Date of Decision: 26.07.2023.

Smt. Rajni Bala aged 33 years, wife of Sh. Ashish Soni, resident of Om Niwas Shyam Nagar, Post Office and Tehsil Dharamshala, District Kangra, H.P, at present residing in the house of her father Sh. Shiv Kumar, VPO Chalwara-II, Tehsil Jawali, District Kangra, H.P.

....Petitioner.

-Versus-

Sh. Ashish Soni age 35 years, son of Late Hans Raj Soni, resident of Om Niwas Shyam Nagar, Post Office and Tehsil Dharamshala, District Kangra, H.P.

....Co-petitioner.

**PETITION FOR DISSOLUTION OF MARRIAGE
BY DECREE OF DIVORCE BY MUTUAL
CONSENT UNDER SECTION 13-B OF THE
HINDU MARRIAGE ACT, 1955**

For the petitioner : Sh. Bhavnesh Chaudhary, Advocate.
For the co-petitioner : Sh. Ankur Chawla, Advocate.

JUDGEMENT :

This is a petition under Section 13-B of the Hindu Marriage Act, 1955 (hereinafter shall be called as the 'Act').

2. This petition has been filed jointly for dissolution of marriage between the petitioner Smt. Rajni Bala and co-petitioner Sh. Ashish Chaudhary by way of mutual consent. It is pleaded that marriage of the parties was solemnized on 12th May, 2019 at Village and Post Office Chalwara-II, Tehsil Jawali, District Kangra, H.P, as per Hindu rites and customs prevalent in their area. Out of this wedlock, no

child had taken birth. The relationship between the parties got strained after some time of marriage. As per the petitioners, since 22.01.2020, they are residing separately and they are not having any relationship of husband and wife. As per them, it was difficult for both of them to live together. Now, both the parties have decided to live separately and to dissolve the marriage mutually. The petition was filed on 21.12.2022. Statutory period of six months was granted to the parties to have reconciliation, if any. Thereafter, case is listed for today i.e 26.07.2023. The co-petitioner has paid the total lump sum amount of alimony i.e Rs. 7,00,000/- (Rs. Seven Lakhs only) to the petitioner, to which she is also agreed. As per the petitioner, she has received all her 'Stridhan' (marriage gifts) from the co-petitioner. The statements of both the petitioners are recorded in the Court, wherein, they have categorically deposed that they want to dissolve their marriage mutually and decided to live separately.

3. In view of second statement of both the parties recorded in the court, the reconciliation between the parties have failed. I am of the view that a valid marriage has been solemnized between them and the averments in the petition that they are not able to live together in the matrimonial relationship and the fact that they are living separately since 22.01.2020. Accordingly, I am of the view that both the parties are entitled to the decree of divorce under section 13-B of Hindu Marriage Act. Therefore, the marriage between the petitioner Smt. Rajni Bala and co-petitioner Sh. Ashish Soni is hereby dissolved by way of decree of divorce on the basis of mutual consent. The parties shall bear their own costs.

4. Decree-sheet be prepared accordingly. The file after due completion be consigned to record room.

**Announced:
26.07.2023.**

(Jyotsna Sumant Dhadwal)
Principal Judge, Family Court,
Kangra at Dharamshala, H.P.

26.07.2023

Present: Sh. Bhavnesh Chaudhary, Adv. with petitioner.

Sh. Ankur Chawla, Advocate with co-petitioner.

Vide my separate judgment, joint petition filed by the petitioner and co-petitioner is hereby allowed. Decree-sheet be prepared accordingly. The file, after its due completion, be consigned to record room.

Announced

26.07.2023

Court,
Dharamshala, H.P

(Jyotsna Sumant Dadhwal)

Principal Judge, Family
Kangra at