

APEG180000112026



Date of Presentation of Petition 26.11.2025
 Date of filing of Petition 24.01.2026
 Date of Disposal on 20.03.2026

IN THE COURT OF THE CIVIL JUDGE [SENIOR DIVISION], PITHAPURAM.

PRESENT: DR.M.Babu,
 Civil Judge [Senior Division], Pithapuram.
 Friday, this the 20th day of March, 2026

H.M.O.P. No. 7/2026

Between:

1	Rayudu Chaitanya
2	Rayudu Trisha @ Rani

... PETITIONERS.

And

NIL

... RESPONDENTS.

This Petition Advanced from 24.06.2026 to 18.03.2026 for hearing before me, in the presence of **Sri. G.S.B.Acharyulu and Sri A.K.V.Reddy**, Learned Advocate for the Petitioners and the Respondent being NIL and upon hearing the Arguments on the side of the Petitioners; and upon perusing the entire material available on record; and upon having been stood over for consideration till this day, this Court delivered the following:-

ORDER

This is the Petition filed under Section 13-B of the Hindu Marriage Act, 1955 to dissolve their marriage held on **12.06.2022** by considering their mutual consent.

I:: Contents of the Petition, in brief, are as follows:

[a] Petitioners avers that their marriage was performed on **12.06.2022** at 2nd Petitioner's house at Sri Nagar, Kakinada city, Kakinada Urban Mandal as per Hindu rites and caste customs. By the time of marriage, the 1st petitioner is an employee in Private at the time of marriage and working in Tanuku. Thereafter, the said marriage was consummated.

[b] It is further stated that after the marriage, both the petitioners lead marital life at Gollalagunta village, Jaggampeta Mandal for some days. From there the petitioners lived at Jahhayya Cheruvu colony, Pithapuram Village and Mandal.

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During their stay at Jaggayya cheruvu colony, disputes were arose among them. As such, both the petitioners are unable to live together under in one roof. As such, the 2nd petitioner went to her parents house on 15.07.2022. Later, the 2nd petitioner did not choose to join the 1st petitioner. After several Mediations were held in between both the Petitioners, but in vain.

[c] It is further averred that later, the 1st petitioner filed HMOP No. 36/2024 on the file of Senior Civil Judge's Court, Pithapuram against the 2nd Petitioner for divorce. In the above HMOP No. 36/2024 the 1st Petitioner is the **Petitioner** and 2nd Petitioner is the **Respondent**. Later, as per the advice of both side elders, petitioners Nos. 1 and 2 amicably settled matrimonial disputes through mediation and Mediation report also filed before this court. Hence, both the petitioners have agreed to take divorce by mutual consent.

[c] Hence, they both moved the present petition with free consent in order to quietus the disputes arouse out of their marital life and to take mutual divorce Under section 13-B of H.M.A, 1955. Hence, the petition.

II. As per record, this petition was filed before the Court on 26.11.2025 and on that this Court directed the office on 24.01.2026 to number the petition and posted the matter to 24.06.2026 after six months. Later both the petitioners filed **IA.163/2026** praying this court to advance the petition from 24.06.2026 to 18.03.2026 and the same was allowed by this court. Further, both the petitioners were present before the court on 18.03.2026 and filed **IA. No. 164/2026** for waiver of 6 months cooling period and considering the reasons mentioned in the said petition, this court allowed the said petition. On 18.03.2026 both petitioners were present. This Court also inquired with the petitioners for reunion, but they stated that there are no chances for their reunion to lead marital life. Further, they filed their examination in chief affidavits as **P.W.1 and P.W.2** and got marked **Ex.P1 to Ex.P5** through P.W.1. Their counsel reported no further evidence. Both the petitioners prayed this Court to dissolve their marriage by granting divorce by mutual consent.

III. Heard the Petitioners through their learned counsel on record.

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IV. Now, the points for consideration are :-

1. Whether the Petitioners are entitled to seek the relief for dissolution of marriage by way of mutual consent provided under Section 13-B of Hindu Marriage Act, 1955?

2. To what relief?

V. **Points I and II:-**

1. The oral evidence of P.Ws.1 and 2 coupled with **Ex.P1 and P2** clearly and categorically shows the factum of their marriage which was performed in accordance of Hindu religion rites and customs, **Ex.P.3** is shows that the authenticity of their identity, **Ex.P.4** is the Certified copy of Orders in HMOP No. 36/2024 and **Ex.P.5** is the stamped Receipts dated 18.03.2026. Before going to discussion this court draw the provision as follows;- **section 13-B of Hindu marriage Act**, Divorce by mutual consent.—(1) Subject to the provisions of this Act a petition for dissolution of marriage by a decree of divorce may be presented to the district court by both the parties to a marriage together, whether such marriage was solemnized before or after the commencement of the Marriage Laws (Amendment) Act, 1976 (68 of 1976), on the ground that they have been living separately for a period of one year or more, that they have not been able to live together and that they have mutually agreed that the marriage should be dissolved.

On the motion of both the parties made not earlier than six months after the date of the presentation of the petition referred to in sub-section (1) and not later than eighteen months after the said date, if the petition is not withdrawn in the meantime, the court shall, on being satisfied, after hearing the parties and after making such inquiry as it thinks fit, that a marriage has been solemnized and that the averments in the petition are true, pass a decree of divorce declaring the marriage to be dissolved with effect from the date of the decree.

2. With respect to the cause mentioned by them for seeking permanent separation by operation of law, the evidence of Pws.1 and 2 which goes to shows that their marriage was performed on 12.06.2022 and later, the said marriage was consummated and during their wedlock no children were born to them. PW.1 and 2

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lead marital life for some time from the date of marriage and out of their unresolved disputes. As such they unable to continue the marital life. PW.1 and 2 both are living separately since 15.07.2022 without any conjugal life and it is irretrievably broken down in which they ultimately decided to take mutual divorce. PW.1 agreed to give total an amount of **Rs.1,50,000/-** and **Ac. 0-50** cents of land to PW.2 towards her permanent alimony and PW2 further agreed not to claim any further claims and any criminal or Civil cases or MC and DVC cases against the 1st Petitioner or his family members in future. PW2 also further agreed PW2 nor her parents will make any further claims against on the 1st Petitioner over their ancestral property or any of their family members.

3. Thus, the said evidence of Pws.1 and 2 which goes to shows that there is no remote chance for their re-union. In the case of **Mamta Rani v. Bhupesh Verma** which was reported in **AIR 2009 P&H 186**. where in it was held that Divorce by mutual consent Waiver of six months period Case of irretrievable breakdown of marriage Parties living separately. All persuasive ways used by respectable from two families and mediation center for re-union of couple proved to be unsuccessful. Parties had mutually settled their disputes In facts of case, waiting period of six months waived. Hence, in this case on hand also by considering the evidence and future prospectus this court inclines to entertain the present petition.

4. **In the result**, the Petition is allowed, and this Court dissolves the marriage, **dated.12.06.2022** between 1st Petitioner and 2nd Petitioner by way of granting divorce by mutual consent under Section 13-B of Hindu Marriage Act. There shall be no order as to costs.

Points answered accordingly.

*Typed to my dictation by the Stenographer, corrected and pronounced by me in the open Court, on this the **20th day of March, 2026.***

**CIVIL JUDGE [SENIOR DIVISION,
PITHAPURAM.**

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APPENDIX OF EVIDENCE

WITNESSES EXAMINED ON BEHALF OF THE PETITIONERS

P.W.1 : . Rayudu Chaitanya
P.W.2 : Rayudu Trisha @ Rani

EXHIBITS MARKED ON BEHALF OF THE PETITIONERS

Ex.P1: Wedding card.
Ex.P.2: Photographs along with CD
Ex.P3: Certificate issued by the Gazetted officer of both Petitioners.
Ex.P.4: Certified copy of Orders in HMOP No. 36/2024
Ex.P.5: Stamped Receipts dated 18.03.2026

WITNESSES EXAMINED ON BEHALF OF THE RESPONDENTS

None.

EXHIBITS MARKED ON BEHALF OF THE RESPONDENTS

Nil.

**CIVIL JUDGE [SENIOR DIVISION,
PITHAPURAM**

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