

MHTH160000692026 	Presented on	:	07.02.2026
	Registered on	:	07.02.2026
	Decided on	:	21.02.2026
	Duration	:	00 00 14 Y M D

**IN THE COURT OF CIVIL JUDGE SENIOR DIVISION PALGHAR,
AT : PALGHAR
(Before K. G. Sawant)**

Marriage Petition No. 28/2026
Exhibit No. 17

Swini Chetan Chaphekar,
(Name before marriage –
Swini Prakash Mhatre)
Age : 37 years, Occ. : Service,
Residing at Devodi, Shivaji Chowk,
Taluka Dahanu and District Palghar.

... Petitioner No.1

And

Chetan Dnyaneshwar Chaphekar,
Age : 39 years, Occ. : Service,
Residing at FF-103, No.698,
Subhodhya Residency, Near ICICI Bank,
Kenchenahalli, Bangalore,
South Rajarajeshwarinagar,
Bangalore – 560098.

... Petitioner No.2

Petition under section 13-B of the Hindu
Marriage Act, 1955 for dissolution of
marriage by mutual consent.

.....
Learned Advocate Varsha J. Thakur for petitioner no.1.
Learned Advocate Namita M. Mestry for petitioner no.2.
.....

J U D G M E N T

(Delivered on 21st day of February, 2026)

This petition is filed under Section 13-B of the Hindu Marriage Act, 1955 for dissolution of marriage by mutual consent.

Brief facts of the petition :

2] According to petitioners, their marriage was solemnized on 01.12.2014 as per Hindu Rites and Customs at Tarapur, District Palghar. They have no issue from said wed-lock. There is an extreme difference in their standard of living and thinking on each and every count. Therefore, quarrel took place between them frequently. They are residing separately from each other since 07.01.2022 at their respective address mentioned in the petition. They have not been able to live together. There is no possibility of their re-union and happy marital life between them. Hence, the petition for divorce by mutual consent.

3] Considering the nature of the petition, following points arise for determination and I have recorded my findings thereon, for the reasons are as under :-

<u>Sr. No.</u>	<u>POINTS</u>	<u>FINDINGS</u>
1.	Whether petitioners are entitled for decree of ... divorce by mutual consent ?	Yes.
2.	What order and decree ? ...	Petition is allowed.

REASONS

4] In support of this petition, petitioner nos.1 and 2 have filed their affidavits of evidence at Exh.10 and Exh.11 respectively. They have filed copies of marriage invitation card, marriage photograph, marriage

registration certificate and their Aadhar cards on record. They have filed evidence closed pursis at Exh.16.

AS TO POINT NO.1 :

5] During the pendency of the petition, petitioners filed application (Exh.7) for waiver of cooling period of six months. The said application was allowed, in view of the guidelines given in the judgment of the Hon'ble Supreme Court in **Amardeep Singh Vs. Harveen Kaur reported in AIR 2017 SC 4417 and Amit Kumar Vs. Suman Beniwal reported in 2021 SCC OnLine SC 1270** and further in view of **Judgment of the Hon'ble Bombay High Court in Sneha Akshay Garg Vs. Nil decided in Writ Petition No. 9369 of 2024 dated 25.07.2024.**

6] The date of marriage of petitioners is 01.12.2014. This petition is filed after 10 years of their marriage. The petitioner Nos.1 and 2 have filed their affidavits of second motion at Exh.10 and 11 respectively. They affirmed the contents of the petition and their affidavits as true and correct. According to petitioners, there is an extreme difference in their standard of living and thinking on each and every count. Therefore, quarrels took place between them frequently. They are residing separately from each other since 07.01.2022 at their respective address mentioned in the petition. Matter was referred for mediation but learned mediator has filed his report as failed. Thus, there is no possibility of re-union and happy marital life between them.

7] Taking into consideration the evidence of the petitioner No.1 and 2 this court is satisfied that,

- i) Marriage having been solemnized between the parties.
- ii) The parties have been living separately since last more than

18 months before filing this petition.

- iii) They were not able to live together at the time of filing the petition and they continued to live separately from each other.
- iv) They have mutually agreed to dissolve the marriage with their free consent and they affirmed the averments made in their affidavits of evidence as true and correct.

8] In view of all above discussions, the petitioners are entitled for decree of dissolution of marriage by mutual consent. Hence, I answer point no.1 in the affirmative.

AS TO POINT NO. 2 :-

9] In view of the all above discussions and affirmative finding of point no.1, the petition deserves to be allowed. Hence, the following order:-

ORDER

- 1] Petition is allowed with no order as to costs.
- 2] It is hereby declared that the marriage solemnized between petitioner nos.1 and 2 on 01.12.2014 is dissolved by the decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1955 with effect from the date of decree.
- 3] Decree be drawn up accordingly.
- 4] Copy of judgment and decree be supplied to the petitioners free of costs as per Section 23(4) of the Hindu Marriage Act.

Palghar.
Date : 21.02.2026

(K. G. Sawant)
Civil Judge Senior Division,
Palghar.

CERTIFICATE

I hereby certify that the contents of the PDF file are same word to word as per original order:

Name of Steno : Mr. S. B. Rawool, Stenographer, Grade-II.
Court's Name : Civil Judge Senior Division, Palghar.
Date : 21.02.2026
Dictated on : 21.02.2026
Transcribed on : 21.02.2026
Signed by P.O. on : 21.02.2026
Uploaded on : 21.02.2026