

CNR : MHTH070036102021



Filed on	:	08/11/2021
Registered on	:	08/11/2021
Decided on	:	18/12/2021
Duration	:	00Y.01Ms.10Ds.

IN THE COURT OF 4th JT.CIVIL JUDGE (SR.DN), KALYAN

AT : KALYAN, DIST. THANE

(Presided over by Shri Sumit V. Joshi)

Marriage Petition No.1884/2021

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Exhibit No.

Mr. Santosh Shivaji Chavan

Age : 45 years, Occupation : Service,

R/at. : Lotu Aai Darshan Apartment,

Flat No.104, Devicha Pada,

Near Gaondevi Mandir, Dombivli, Kalyan,

Dist.Thane-421202.

...Petitioner No.1.

AND

Mrs. Ankita Santosh Chavan

Age : 46 years, Occupation : Housewife,

R/at.: Lotu Aai Darshan Apartment,

Flat No.104, Devicha Pada,

Near Gaondevi Mandir, Dombivli, Kalyan,

Dist.Thane-421202.

...Petitioner No.2.

Petition for mutual consent divorce under
Section 13-B of Hindu Marriage Act, 1955.

:Typed on-18/12/2021: :Signed on-18/12/2021: :Uploaded on-18/12/2021:

 Learned Advocate S. M. Patil for petitioner No.1 and 2.

: J U D G M E N T :

(Delivered on this 18th December 2021)

This is a joint petition filed by both the petitioners under section 13-B of the Hindu Marriage Act, 1955 for mutual consent divorce.

2] Petitioners claim that they were married on 27/11/1995 at Date Mangal Karyalay, Dombivali East, Dist.Thane in according to the Hindu Rites and Rituals. They have two children namely Sharvari and Shreeyash out of said wedlock. The petitioners are living separately since 10/01/2009 on account of their differences. They claimed that in-spite of all efforts made by them and their families, no reconciliation between them was possible. They have therefore, decided to file a petition for divorce by mutual consent.

3] On the above contentions the following points for reasons stated below:

<u>Sr.No.</u>	<u>Points</u>	<u>Findings</u>
1.	Whether petitioner Nos.1 and 2 are entitled for the decree of dissolution of marriage under section 13-B of Hindu Marriage Act ?	...In the affirmative.
2.	What order?	...As per final order.

: R E A S O N S :**AS TO POINT NOS. 1 AND 2 :**

4] Petitioner No.1) Mr. Santosh Shivaji Chavan has filed claim affidavit at Exh.6. Petitioner No.2) Mrs. Ankita Santosh Chavan has filed claim affidavit at Exh.7. Both petitioners have filed copy of their Aadhaar card, Aadhaar card of their children and affidavit regarding misplaced of wedding card and marriage photographs alongwith list Exh.3. The petitioners filed citation of **Hon'ble Supreme Court of India in the case of Smt. Sureshta Devi Vs Om Prakash decided on 07 February 1991**. They have filed joint evidence close purshis at Exh.8. From their statements, it is clear that they are living separately for more than 12 years. It is also clear that, there is no cohabitation between them since then. The petitioner have filed an application vide Exh.5 for waiving cooling period of six months. Considering the reasons, which appears to be proper and accordingly, said application has been allowed.

5] Marriage of petitioners solemnized at Dombivali i.e. within jurisdiction of this Court. Therefore, this Court has jurisdiction to decide this petition. Both petitioners were sent for mediation. Both petitioners have not withdrawn their consent for mutual divorce. They have complied with all the ingredients as laid down under section 13-B of the Hindu Marriage Act, 1955. Mediation report dated 04/12/2021 filed on record. Today also, I tried to have reconciliation between the parties but they are very firm on their stand to get a mutual decree of

divorce. They have submitted that there is an irretrievable breakdown of their marriage. Both petitioners have admitted the contents of main petition and terms and conditions therein vide their affidavits of examination-in-chief. Therefore, they are entitled for decree of divorce by mutual consent. Hence, I answer to point No.1 is affirmative and as to point No.2, I proceed to pass following order -

: ORDER :

1. The petition is hereby allowed.
2. The marriage between petitioner No.1) Mr. Santosh Shivaji Chavan and petitioner No.2) Mrs. Ankita Santosh Chavan solemnized on 27/11/1995, is hereby dissolved by a decree of divorce by mutual consent under section 13-B of the Hindu Marriage Act, 1955.
3. The copies of the decree be supplied free of cost to the parties in view of section 23(4) of the Hindu Marriage Act, 1955.
4. A decree be drawn up accordingly.

Dictated and pronounced in open Court.

Date : 18/12/2021.

(Sumit V. Joshi)
4th Jt. Civil Judge Senior Division,
Kalyan.