

Presented Date : 11/03/2016
Registered Date : 11/03/2016
Decided Date : 22/09/2016
Duration : Y M D
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**IN THE COURT OF 15TH JOINT CIVIL JUDGE, SENIOR
DIVISION PUNE, AT : PUNE**
(Presided over by Smt. S.Y. Sheikh)

Marriage Petition No.338/2016.
Exh No.

Nikhil Jaywant Shirke.

Age: 28 Years, Occ: Service.

R/at: Shivanjali road, Old Sangavi,

Aundh Camp, Pune.

... Petitioner No.1

AND

Nikita Nikhil Shirke.

Age: 19 Years, Occ: Household.

R/at: Nimgaon Jali, Tal. Sangamner,

Dist. Ahmednagar.

... Petitioner No.2

Petition for divorce by mutual consent U/s. 13-B
of the Hindu Marriage Act,1955.

Adv. Shri. M.P. Salunke for petitioner No.1 & 2.

JUDGEMENT

(Delivered on 22nd September, 2016)

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

2] The petitioner No. 1 and 2 got married on 07/12/2014 as per Hindu rites and rituals at Sai Mangal Lawns, Samnapur, Tal. Sangamner, Dist. Ahmednagar. After marriage, they have resided together as husband and wife at the house of petitioner No.1. There is no issue born out of the said wed-lock. After marriage both petitioners felt lot of differences between their thinking, habits and lifestyle which resulted in dispute's and differences of opinion and so they have been staying separately since 01/01/2015 so they have ultimately decided to dissolve their marriage with consent.

3] The petitioners have filed Marriage Invitation Card, Marriage Photograph, copy of Adhar Card of petitioner No.1, copy of Adhar Card of petitioner No.2, in support of their claim, vide list Exh.3. The petitioners have adduced their evidence on Exh. 9 and 10 and also adduced evidence of father of petitioner No. 1 on Exh. 11 and evidence of maternal uncle of petitioner No.2 on Exh.12.

4] The following points arise for my determination with my findings thereon are as under for the reasons stated below.

Sr.No.	P O I N T S	F I N D I N G S
1	Whether the petitioners are entitled for mutual consent divorce under section 13-B of the Hindu Marriage Act as prayed for?	Yes.
2	What order and decree?	As per final order.

REASONS

5] Petitioner No. 1 has adduced his evidence affidavit at Exh.9 and Petitioner No.2 adduced her evidence affidavit at Exh.10. Petitioners have deposed that they got married on 07/12/2014 as per Hindu rites and rituals at Sai Mangal Lawns, Samnapur, Tal. Sangamner, Dist. Ahmednagar. There is no issue born out of the said wedlock. While cohabitation because of incompatibility of temperament of both the parties, it became impossible for them to live together or to lead a normal marital life and so since 01/01/2015 both are living separately. Therefore, they have decided to dissolve their marriage and take divorce by mutual consent.

6] From evidence adduced it is clear that this petition is filed after one year of the separation of petitioners. Similarly during the six months period from the presentation of petition, there is no change. The relations between the parties are broken and amicable settlement has not taken place.

7] As per terms and conditions agreed between both petitioners, Petitioner No. 1 has given Rs.5,00,000/- to the Petitioner No.2 as permanent alimony. Petitioner No.2 has waived her future right of maintenance against Petitioner No.1. There are no exchanges pending between the parties. Both the parties have agreed that they do not have any claim of whatsoever nature against each other in future. Both are ready to abide by the terms and conditions mentioned in their joint petition Exh.1 and claim affidavit.

8] The matter was kept for hearing after six months of presentation of petition. Thereafter, parties have appeared before the court and filed their evidence at Exh. 9 and 10. Both the parties submitted that they do not want to continue marital tie and insisted for divorce by mutual consent. There is no impediment in allowing this petition as period of six months have already passed since the date of filing of this petition. Parties have not withdrawn their consent and therefore, I do not find that there is any collusion or unnecessary delay in instituting this petition or the consent of

both parties have been obtained from any force, fraud or undue influence. Considering all above aspects and the terms and conditions settled between the parties and admitted by them by way of their evidence at Exh. 9 and 10, I allow the petition. Hence, I answer point No. 1 in affirmative and proceed to pass the following order.

ORDER.

1. The petition is allowed.
2. The marriage between the petitioner No.1 Nikhil Jaywant Shirke. and petitioner No.2 Nikita Nikhil Shirke. solemnized on 07/12/2014 stands dissolved by decree of divorce by mutual consent under section 13-B of the Hindu Marriage Act 1955, from the date of order.
3. Decree be drawn up accordingly.

Date : 22/09/2016.

(Smt. S.Y. Sheikh)
15th Jt. Civil Judge, S.D. Pune.

(Petitioner No.1)

(Petitioner No.2)

Certificate

“ I affirms that the contents of this P.D.F. file Judgment are same word for word as per original Judgment.

Name of Steno : Smt. V.V. Kulkarni
Court Name : Smt. S.Y. Sheikh, 15th Jt.
C.J.S.D., Pune.
Date : 22/09/2016
Judgment signed by
presiding officer on : 22/09/2016
Judgment uploaded on : 22/09/2016