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**IN THE COURT OF HON'BLE ADDITIONAL SENIOR CIVIL
JUDGE, DHORAJI, AT DHORAJI.**

Hindu Marriage Petition No. 1 of 2018.

Exh. 11

Petitioner no. 1:

Savsani Deepkumar Mansukhlal

Aged-28, Occupation-Service,
Residing at : 503, Gold Star Appartment,
Fulvatika, Jhanjharda Road, Junagadh.
Dist. Junagadh.

Petitioner no.2:

Marvaniya Hemali D/o. Ashvinbhai

Aged-26, Occupation-Service,
Residing at: Nr. Navapara Chora, Upleta,
Ta. Upleta, Dist. Rajkot.

Advocate:

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Ld. Advocate Mr. V.S. Kalawadia, for the petitioners.

**Petition under Section-13(B) of the Hindu
Marriage Act, 1955 for Divorce by Mutual
Consent.**

:: J U D G M E N T ::

1. The present petition under section 13(B) of the Hindu Marriage Act, 1955 (hereinafter referred to as the 'Act' for the sake of convenience and brevity) is filed by the petitioners for decree of divorce by mutual consent.
2. The facts leading to filing of the present petition are not much and moved in narrow compass. The marriage between petitioner no. 1 and petitioner no. 2 was solemnized on 27-4-16 as per Hindu rites, rituals and custom of their community at Upleta, Dist. Rajkot. After the marriage, the petitioner no. 2 joined the petitioner no. 1 at her matrimonial home to perform her marital obligations. In the beginning everything was fine, but soon thereafter differences between them surfaced and they started quarreling on trifle issues. The petitioners are staying separate since morethan a year and there is no matrimonial and conjugal relationship between them. The family

members, friends, relatives, well-wishers etc. of the petitioners intervened and tried to salvage the marriage, but the rift between the petitioners was so deep and under that their efforts to bring about reconciliation did not bear any fruits. The petitioners have realized that they cannot live as husband and wife under one roof. No child is born out of said wedlock. Since then the petitioners have realized that it is not possible for them to live together as husband and wife to discharge their marital obligations.

3. Further submitted that, the reunuion between the petitioners is impossible. That each of the petitioners submitted that both the petitioners for their future life the marriage solemnized between them be dissolved mutually under section 13(B) of the Act. Hence, both the petitioners have filed present petition for mutual divorce with their affidavit in support of the petition.

4. The petitioners have not produced any document.

5. The petitioners have produced below listed oral evidence in support of their petition.

Sr. No.	Description	Exh./ Mark
1	Examination in chief of petitioner no. 2.	6
2	Examination in chief of petitioner no. 1.	7
3	Examination in chief of Mansukhbhai Devjibhai	8

Savsani.

- 4 Examination in chief of Ashvinbhai Bavanjibhai 9
Marvaniya.

6. Following issues are arisen for the determination of the the present petition.

1. Whether petitioners prove that they are entitled to get decree under section 13(B) as per their consent under The Hindu Marriage Act, 1955 ?

2. What order and decree ?

7. My findings on the above points are as under :—

1. In affirmative.

2. As per final order.

8. That the petitioners appeared before this Court in person along with their Ld. Advocate after the expiry of six months from the date of the filing of this petition and requested to dissolve their marriage by mutual consent. None of the petitioners have withdrawn his or her consent given for obtaining decree of divorce by mutual consent. This Court has made efforts for reconciliation between the parties, but in vain. It is apparent from the record of the petition that the rift between the petitioners is so serious that it would not be

possible for them to live together as husband and wife under one roof.

9. The petitioners have produced their examination in chief vide exh. 6 and 7, wherein they have reiterated the contents of their consent of the petition and thereby supported their petition for divorce. The petitioners have declared that they are residing separately for more than a year prior to the date of filing of the petition. Even the fathers of the petitioners have deposed that they have tried socially but nothing has been done and they have also requested to grant the petition.

10. Heard the Ld. Advocate and petitioners in person. Perused the record. It becomes clear that the marriage between the petitioners was solemnized on 27-4-16 as per Hindu rites, rituals and custom of their community and thereby they became husband and wife, but soon differences surfaced and started living separate. Efforts for reconciliation by elders, family members etc. to salvage the marriage did not bear fruits. This Court also made efforts to bring about reunion between the petitioners, but in vain. There does not seem to be collusion between the petitioners in presenting and prosecuting present petition. None of the petitioners has withdrawn his or her consent for divorce by mutual consent pending this petition and none of the petitioners has made grievance that he or

she was subjected to force, fraud or undue influence in giving his or her consent in filing present petition. The petitioners are residing separate since 12 months prior to filing of the petition and there does not seem to be any germane reasons to continue marital tie between the petitioners, hence, present petition deserves to be allowed by dissolving their marriage by mutual consent. Therefore the following order.

–:ORDER:–

- The petition succeeds and hereby allowed.
- The marriage solemnized on 27-4-16 between the petitioner no.1 Savsani Deepkumar Mansukhlal and petitioner no.2 Marvaniya Hemali D/o. Ashvinbhai and the same is registered with Marriage Registrar, Upleta vide registration no. 119/2016, dt. 31-5-16 is hereby ordered to be dissolved with effect from the date of this order.
- The parties to bear their own costs.
- Decree be drawn accordingly.

Signed and pronounced in the open Court on this 23rd day of the month of August 2018, Dhoraji.

(S.P. Mehta)

Additional Senior Civil Judge,
Dhoraji.

Code No. : GJ00934

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