

1 Spl.Marriage Peti. No.1/2018
Judgment

Presented on : 05.02.2018
Registered on : 05.02.2018
Decided on : 27.09.2018
Duration : Y. M. D.
00. 07. 22.

(CNR No. MHBU11-000081-2018)

**IN THE COURT OF ADHOC DISTRICT JUDGE-1 MALKAPUR,
DISTRICT BULDANA.**

(Presided over by Shri R.M.Jadhav)

Special Marriage Petition No.1/2018

Exh. No.16.

1. Akash Fulchand Chavan,
Aged 24 years, Occu- Education,
R/o. Khadki, Tq. Motala, Dist. Buldana.
At present R/o. Gulabchand Nagar, Buldana,
Tq. & Dist. Buldana.

2. Ankita W/o Akash Chavan nee name
Ankita d/o Atmaram Rathod,
Aged 25 years, R/o. Sunderkhed, Buldana,
Tq. & Dist. Buldana.

..... **Petitioners**

**Petition :- under section 28 of Special Marriage Act, 1954, for
dissolution of marriage.**

Shri N.S. Narkhade, Advocate for petitioners.
Respondent- Nil.

JUDGMENT

(Delivered on this 27th day of September, 2018)

1. This is a petition filed by the petitioners for dissolution of marriage by mutual consent under Section 28 of the Special Marriage Act, 1954.

2. In nutshell, the facts leading to the filing of present petition are as under :

The petitioners have performed register marriage on 18-05-2015 at Buldana. They performed the marriage under the provision of Special Marriage Act. The petitioners had no issue out of wedlock. Due to the difference of opinion and frequent quarrels, the relations between the petitioners become strain and they started residing separately. The petitioners left the company of each other since last one year. There is not possibility of reunion between the petitioners. The relatives and friends of petitioners have made efforts to resolve the dispute of the petitioners, but in vain. Both the petitioners are well educated and therefore, having knowledge of the consequences of the act, preferred this petition for dissolution of marriage with mutual consent.

3. My learned predecessor upon presentation of the petition, directed both the petitioners to remain present before the Court after six months. The petitioners appeared before this Court after six months and filed their affidavits below Exh.5 & 6 respectively. Both the

petitioners are stick up on their decision to dissolve the marriage by mutual consent.

4. In view of the given facts and circumstances, following points arise for determination. My findings on the points together with reasons on the same are as under:

S.No.	POINTS	FINDINGS
1.	Whether the marriage dated 18-05-2015 between petitioners solemnized under Special Marriage Act requires to be dissolved with the mutual consent of petitioners ?	Yes
2.	Whether the petitioners are entitled for the relief prayed ?	Yes
3.	What order ?	As per final order.

REASONS

As to points No.1 and 2 :-

5. It appears that petitioners have produce on record the verified copy of the certificate of marriage below Exh. 11, the Adhar Card and Pan Card of petitioner Akash below Exh.12/1 & 12/2 respectively. Likewise the Adhar Card and Pan Card of petitioner Ankita below Exh.13/1 & 13/2 respectively. The petitioners have also filed affidavit of mother of petitioner Ankita namely Anita Atmaram Rathod below Exh.7. Upon perusal of the above documentary proof and the evidence, it appears that the parties performed marriage under Special Marriage

Act. The contentions made in the application are substantiated by the evidence by way of affidavits laid by the petitioners. Both the petitioners are educated. They knew the consequences of their act. They have fairly stated that there is no chance of reunion between them. Considering the above facts and circumstances I hold that there is no reason to refuse the decree of divorce with mutual consent as prayed by the petitioners. Therefore the petitioners are entitled for decree of divorce with mutual consent. Accordingly, I answered the points and in result proceed to pass the following order :-

ORDER

- (1) The petition is allowed.
- (2) The marriage dated 18-05-2015 performed between the Akash Fulchand Chavan and Ankita Akash Chavan, under the provisions of Special Marriage Act is hereby dissolved from the date of this order.
- (3) There will be no order as to costs.
- (4) Decree be drawn accordingly.
- (5) The certified copy of the judgment be provided to the parties free of cost.

Sd/-

(R.M.Jadhav)
Adhoc District Judge 1,
Malkapur, Dist. Buldana.

Dt.27/09/2018

Certificate

I affirm that the contents of this P.D.F. file judgment are same word for word as per original judgment.

Name of Steno : Mrs.Nishat Anjum Mohd.Rafique.
Name of Court : Adhoc D.J.-1, Malkapur, Dist. Buldana.