

1-Binder Kaur & Jaswinderpal Singh

**In the Court of Sh. Sukhwinder Singh, PCS,
Additional Civil Judge (Senior Division), Phul.
(Exercising delegated powers of District Judge)
(UID No.PB0332)**

HMA Petition No.01 dated 08.01.2018

CNR No.: PBBTBO-000018-2018

CIS No.DMC/1/2018

Decided on: 13.07.2018

1. Binder Kaur @ Kulvinderpal Kaur wife of Jaswinderpal Singh son of Najar Singh, resident of Kotra Koria Wala, Tehsil Phul, District Bathinda, now resident of Rampura Phul, Tehsil Phul, District Bathinda.

..... Petitioner No.1.

And

2. Jaswinderpal Singh son of Najar Singh, resident of Kotra Koria Wala, Tehsil Phul, District Bathinda.

..... Petitioner No.2.

**PETITION UNDER SECTION 13-B OF THE HINDU
MARRIAGE ACT FOR A DECREE OF DIVORCE
BETWEEN THE PARTIES BY MUTAL CONSENT.**

Present :- Petitioners No.1 & 2 with Sh. J.S. Mann, Advocate.

J U D G M E N T:

1. The present petition has been preferred jointly by the petitioners seeking dissolution of their marriage by mutual consent.
2. Succinctly, the claim of the petitioners is that their marriage was solemnized on 21.01.2000 through Anand Karaj ceremonies. The parties are governed by Hindu law. After marriage of the parties, they cohabited as husband and wife and out of this wedlock, three children namely Jaskarandeep Kaur, Jaspreet Kaur and Sukhvir Singh were

born. Soon after the marriage due to incompatibility, temperamental differences and the nature of the parties, they could not live together and consequently got separated from each other. They have been living separately for more than 2 years. The petitioners have settled all the matters between them like return of articles of each other etc. It is also settled that the minor children Jaskarandeep Kaur, Jaspreet Kaur and Sukhvir Singh will stay with petitioner No.1 and it is also settled that when the marriage of Jaskarandeep Kaur will be solemnized, petitioner No.2 will pay Rs.70,000/- to petitioner No.1. It is pleaded in the petition that they will not claim anything from each other in future. Now, both the petitioners have decided to obtain divorce by mutual consent. Hence, this petition has been filed.

3. The present petition was filed on 08.01.2018. Statements of first motion of both the petitioners were recorded. Both the petitioners reiterated the entire version as mentioned in the petition and prayed for dissolution of their marriage and case was adjourned to 13.07.2018 for recording statements of second motion of both the petitioners after the mandatory period of six months.

4. On 13.07.2018 both the petitioners appeared and their statements of second motion were separately recorded. Both the petitioners reiterated the version as given in the petition. Both the parties admitted that they are living separately. Cohabitation is not resumed. Both the parties reiterated that there is no possibility to live together as husband and wife. Therefore, they prayed for dissolution of their marriage.

5. I have heard the learned counsel for the petitioners and have gone through the file carefully.

6. **After hearing** learned counsel for the petitioners and after perusing the material available on the file, this Court is of the considered opinion that present petition deserves to be allowed. In the present petition the requirements of divorce by mutual consent have been met. The requirements, which have to be met under Section 13-B of Hindu Marriage Act are as follows:

- 1) The parties have been living separately for a period of atleast one year;**
- 2) They have not been able to live together;**
- 3) They have mutually agreed that marriage should be dissolved.**

The Section 13-B of Hindu Marriage Act i.e. divorce by mutual consent provides an opportunity of amicable resolution of disputes between the parties and it saves their time and money.

7. It has been categorically stated that the parties are unable to live together due to their temperamental differences. They are residing separately from each other. There is no chance of reconciliation between them. They have settled their claim. Indisputedly the parties are Hindu by religion and resultantly governed by Hindu Marriage Act, 1955 in relation to their marriage and dissolution thereof. As per the provision contained Section 13-B of the above Act, the parties to marriage can apply for dissolution of marriage by mutual consent. As the marriage of the parties was solemnized in the year 2000 and they are living separately and they have applied for divorce by mutual consent due to reasons stated

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in preceding paras, therefore, there is no impediment for the grant of divorce by virtue of Section 13-B of Hindu Marriage Act. After evaluating the material on the record, this Court is fully satisfied that there are no chances of restoration of marital ties between the parties. There is no chance to reconcile the differences of any matter. In the opinion of the Court, there is no use of stretching the relationship any further as the marriage between them has broken down beyond the scope of any reconciliation. Accordingly, the instant petition jointly preferred by petitioners stands allowed with the observation that nothing remains due of petitioner No.1 against petitioner No.2. Resultantly, the marriage between them is dissolved by mutual consent by virtue of Section 13-B of Hindu Marriage Act from today. Decree be drawn accordingly and file be consigned to the judicial Record Room at Phul after due compliance.

Pronounced in open Court.
Dated: 13.07.2018.

(Sukhwinder Singh, PCS),
Addl. Civil Judge(Senior Division),
Phul-UID:PB0332.

Sita Ram, Stenographer-II.