

**IN THE COURT OF MS. PRATIMA ARORA, PCS,
ADDITIONAL CIVIL JUDGE (SR. DIVISION), SAMRALA**

(UNIQUE IDENTIFICATION NO. PB 0280)
(Exercising the powers of District Judge)

CNR No.PBLDC0-000003-2018

H.M.A. No.366/2018

CIS No. HMA/1/2018

Date of Institution: 02.01.2018

Date of Decision: **04.07.2018.**

Harwinder Singh aged 31 years son of Sh. Harnek Singh, resident of village Sangatpura, Tehsil Samrala, District Ludhiana

...Petitioner No.1

AND

Kamaldeep Kaur aged 30 years wife of Sh. Harwinder Singh and daughter of Sh. Piara Singh, resident of village Sangatpura, Tehsil Samrala District Ludhiana, now resident of village Rurki Pukhta, Tehsil Kharar, District SAS Nagar (Mohali).

...Petitioner No.2

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

Present: Petitioners with counsel Sh. S.M. Singh, Advocate.

JUDGMENT

The petitioners Harwinder Singh and Kamaldeep Kaur have filed the present joint petition under Section 13-B of the Hindu Marriage Act,1955 for dissolution of their marriage by mutual consent.

2. In their joint petition, the petitioners have submitted that their marriage was solemnized on 05.04.2012. One male child namely Kirmann Singh was born from their wedlock. After sometime of their marriage, some disputes arose between them due to temperamental differences and their marriage could not succeed and since October 2016, they are living separately. The efforts of the relatives and panchayat to reconcile the matter having failed, the petitioners have decided to divorce each other by way of mutual consent. Both the parties have settled their claims. Both the parties have mutually decided to dissolve the marriage and to lead an independent life. The parties, therefore, prayed that their marriage may be dissolved by passing a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1955.

3. The statements of the parties on the first motion were recorded on 02.01.2018, in which they submitted that their marriage was solemnized on 05.04.2012 according to Sikh rites. After the marriage they resided and co-habited together as husband and wife at village Sangatpura, Tehsil Samrala, District Ludhiana and one child namely Kirmaan Singh was born out of their wedlock. Due to their temperamental differences, they could not pull on together and they have dissolved their marriage by mutual consent and their marriage could not succeed and they are living separately since October 2016. The efforts of the relatives and respectables to reconcile the matter having failed, the petitioners have decided to divorce each other by way of mutual consent. Both the parties have settled their claims. Petitioner No.2 has received istridhan/dowry

articles along with maintenance from petitioner No.1. Now nothing remains due against petitioner no. 1. Minor child will remain in custody of petitioner no. 2. The petitioners will not initiate any civil and criminal proceedings against each other regarding maintenance or other matter regarding their marriage in future. The parties, therefore, prayed that their marriage may be dissolved by passing a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1955.

4. Thereafter, the parties were given six months time to re-think and reconcile and on 04.07.2018, the parties appeared and again got recorded their statements for the second time before the Court. They have stated that they made statement in the Hon'ble Court on 02.01.2018 and the same is correct. The same may be read as their statement in second motion. During the intervening time i.e. time with effect from 02.01.2018 (on which date the statement of first motion was recorded) till today, no reconciliation could become possible so there is no chance of any reconciliation. Hence, their petitioner be accepted and divorce may please be granted to them. As per the settlement between them, petitioner No.1 has paid total amount of maintenance to petitioner No.2. Petitioner has received all istridhan articles from petitioner No.1. Both the petitioners prayed that their marriage may be dissolved by passing a decree of divorce by way of mutual consent.

5. Heard. In view of the statements made by the petitioners on 02.01.2018 & 04.07.2018, this Court is satisfied that the marriage of the parties has irretrievably broken down and there are no chances of their

reconciliation or rehabilitation. They have been residing separately since October 2016. The parties have mutually settled their claims. The parties are determined to get their marriage dissolved by way of mutual consent. In view of the facts and circumstances discussed above, the marriage between the parties is hereby dissolved by their mutual consent by passing a decree of divorce under Section 13-B of the Hindu Marriage Act, 1955. Parties are left to bear their own costs. Decree sheet be drawn. File be consigned to the Record Room after paging, indexing and completing the same.

**Pronounced in open Court on
04th day of July, 2018**

(Pooja Rani, Steno-III)

**(Pratima Arora) PCS
Additional Civil Judge (Senior Division)
Samrala. (UID No. PB 0280)**