

1-XXXXXX and XXXXX

**IN THE COURT OF AMAN SHARMA, PCS, (UID No.PB0292)
ADDITIONAL CIVIL JUDGE (SENIOR DIVISION), KHARAR
(EXERCISING THE POWERS OF DISTRICT JUDGE).**

H.M. Act Case No : 01/02.01.2018
CIS No. : HMA/01/2018
CNR No. : PBSAA0-000008-2018
Date of Institution : 02.01.2018
Date of decision : 03.07.2018

XXXXXX

.....Petitioner No.1.

AND

XXXXXX

.....Petitioner no.2.

**Joint Petition under Section 13-B of Hindu Marriage Act for
dissolution of marriage between the joint petitioners by passing the
decree of divorce with mutual consent.**

Present: Petitioner no 1 with Counsel Sh Kuldeep Singh Adv.
 Petitioner no 2 with Counsel Sh G.S.Lalli Adv.

JUDGMENT:-

1. Present petition has been filed by the aforesaid petitioners jointly under Section 13-B of the Hindu Marriage (Amendment) Act, 1976 (*hereinafter referred as the Act*) seeking divorce by way of mutual consent.

2. Briefly the case of the petitioners is that their marriage was solemnized on 09.02.2011 as per Hindu rites. No child was born out of their wedlock. After some time from marriage, some differences arose and petitioners are residing separately since June 2016. Now, with the intervention of relatives and friends, they have compromised the matter and decided to live separately from each other by taking divorce by mutual

consent and prayed for passing decree of divorce by mutual consent.

3. Statements of the petitioners were recorded at the first instance on 02.01.2018. Thereby the parties reiterated the averments made in the petition and deposed that there was no chance of reconciliation. They stated that as per settlement in lieu of permanent alimony and future maintenance the residential house bearing no 266, situated at New Mata Gujar Enclave, Mundi Kharar District SAS Nagar, Mohali shall remain in the name of petitioner no 2 and petitioner no 2 shall be the absolute owner in possession of the same and petitioner no 1 shall claim no right in the said house.

4. After recording statements of first instance, case was adjourned to 03.07.2018 for recording second statement. On 03.07.2018 statements of the petitioners were recorded, but they again reiterated their earlier version and averred that they cannot pull on together and there are no chance of reconciliation. They also averred that the dispute regarding the dowry articles and istri dhan has already been settled and nothing remains due against each other and as per settlement in lieu of permanent alimony and future maintenance the residential house bearing no 266, situated at New Mata Gujar Enclave, Mundi Kharar District SAS Nagar, Mohali shall remain in the name of petitioner no 2 and petitioner no 2 shall be the absolute owner in possession of the same and petitioner no 1 shall claim no right in the said house.

5. I have heard the Learned counsel for petitioners and have gone through the material on record very carefully.

6. The marriage between the petitioners was solemnized on 09.02.2011 and as per their version they are living apart since June 2016.

Thus, it is clear that they had been living separately for a continuous period of more than one year at the time of presentation of the instant petition. There is no unnecessary or unjustified delay in filing the present petition. Since there are no chances of reconciliation between the petitioners as has been reiterated by both of them time and again in the petition and also during the course of their statements recorded twice in the court. Thus, there is no worthwhile reason to compel the petitioners to continue with this dead relationship. All the requisite ingredients for the purposes of divorce by mutual consent as envisaged under Section 13-B of the Act, being fully satisfied in the case, there is apparently no legal impediment in allowing the petition thereby dissolving the marriage between the petitioners.

7. Accordingly, the petition is hereby allowed and a decree for divorce dissolving the marriage between the petitioners by way of mutual consent, is hereby passed in favour of the petitioners and the marriage between the parties stands hereby dissolved with immediate effect. Decree sheet be prepared accordingly. File be consigned to the record room after due completion and compliance.

Pronounced :
Dated: 03.07.2018

(Aman Sharma), PCS
Addl. Civil Judge (Sr. Divn)
UID No. PB0292
Kharar.
(Exercising the powers of District Judge)