

अर्ज क्रमांक ७८०/२०१८

एन.ए.आर/एम.एम.पी १९६/१

कोर्ट कामासाठी/रेकॉर्डसाठी

निशाणी क्रमांक १

झेरोक्स पाने ६ प्रत्येकी रु. ४/- प्रमाणे.

..... लिहिणावळ. नकलेकरीता अर्ज दाखल ता. ०१/०१/२०१८ दोन हजार अठरा.  
..... रजुवात. नकलेच्या अर्जाची पूर्तता ता. ०१/०१/२०१८ दोन हजार अठरा  
..... सरचार्ज. नक्कल देण्याची समज दिली ता. ०१/०१/२०१८ दोन हजार अठरा  
..... कागद. नक्कल तयार ता. ०१/०१/२०१८ दोन हजार अठरा  
..... पोस्टेज.

२४/-एकूण.



नक्कल श्री. श्री. शंभुजी शिंदे यांस दिली.  
ता. ०१/०१/२०१८ दोन हजार अठरा.

२१/०१/१८  
सहाय्यक अधीक्षक

दिवाणी न्यायालय व. स्तर पनवेल.

२१/०१/१८  
सहाय्यक अधीक्षक

दिवाणी न्यायालय व. स्तर पनवेल.

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Presented on 20/12/2012 at  
at 12-02

*(Signature)*  
President

Court of Civil Judge, Sr. Dn.  
Panvel.

पुनर्वचने येनोपयुक्त विवाह  
आपणाधरे वारिष्ठ कर  
यांचे आयासना निस  
हिं विवाह अर्ज  
नं० १८६  
२०१२

29/6/13

4/12

पुनर्वचने येनोपयुक्त विवाह  
आपणाधरे वारिष्ठ कर  
यांचे आयासना निस  
हिं विवाह अर्ज  
नं० १८६  
२०१२

*(Signature)*  
Superintendent  
Court of Civil Judge, Sr. Dn.  
Panvel.

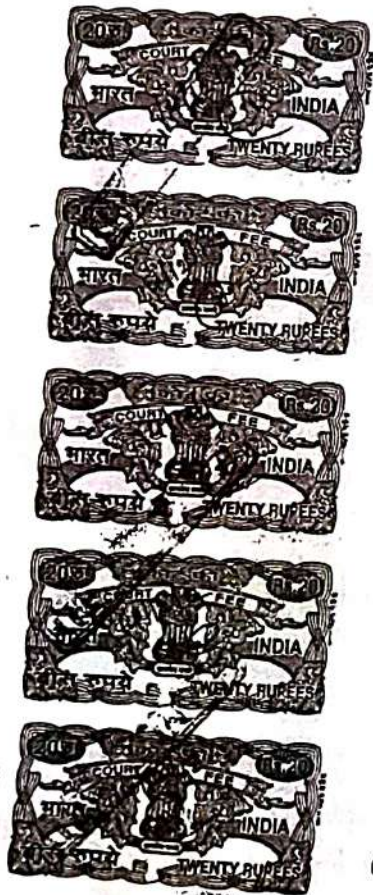
Order Joint  
presented to the  
Civil Judge S D for trial  
Disposal according to  
*(Signature)*  
Panvel  
20/12/2012  
Civil Judge S D  
Panvel

आदेश  
दोन्ही पक्षांना कोर्टात हजेरा करून  
आपणाधरे वारिष्ठ कर अर्ज १३ अ न्याय  
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पुनर्वचने  
दिना २०/१२/१२ कोर्टात येणेसाठी न्याय करणे

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IN THE COURT OF CIVIL JUDGE, S.D. AT PANVEL.

H. M. J. PETITION NO. 196 OF 2012

In the matter of Marriage solemnized between the 1<sup>st</sup> Petitioner and the 2<sup>nd</sup> Petitioner on 3<sup>RD</sup> MAY 2007 at Panvel, navi Mumbai

AND

In the matter of Petition for Divorce by Mutual Consent under Section 13B of the Hindu Marriages Act, 1955.

Presented by 20/12/2012 Monali  
about 12-05  
V. JSM  
Superintendent  
Court of Civil Judge, Sr. Dn.  
Panvel.

MRS MONALI BAIDYANATH JHA  
Maiden name MONALI NARESH PANCHAL  
Hindu, aged 29 years,  
Residing at E 5 YASHWANT C.H.S.  
PADWAL NAGAR,  
KISAN NAGAR WAGLE ESTATE, THANE.



MR BAIDYANATH LALITMOHAN JHA  
Hindu, aged 32 years,  
Residing at B wing, Falt no.202, Prajapati Arcade,  
Sector-15A, NEW PANVEL,  
Navi Mumbai Dist Raigad.



To,  
THE HON'BLE PRINCIPAL JUDGE AND  
OTHER JUDGES OF THE CIVIL COURT  
SENIOR DIVISION AT PANVEL.

THE PETITIONERS ABOVE NAMED STATED AS FOLLOWS:

1. The 1<sup>st</sup> Petitioner then a Spinster (nee MISS MONALI NARESH PANCHAL) was married to the 2<sup>nd</sup> Petitioner then a bachelor at panvel on 3<sup>rd</sup> May 2007 according to the Hindu Vedic rites. Hereto annexed and marked Exhibit - "A" is the MARRIAGE CERTIFICATE. Both the Petitioners are of Indian Domicile and both are Hindus.

2. There is no issue out of the said marriage.
3. Immediately after the marriage the 1<sup>st</sup> Petitioner and the 2<sup>nd</sup> Petitioner co-habitude and resided at Panvel for a week, within the jurisdiction of this Hon'ble Court.
4. After week of the said marriage, serious differences arose between the Petitioners and because of that there were regular arguments between them which ultimately culminated into quarrels. There came a time when it became impossible for the Petitioners to live together under the same roof. In spite of that the Petitioners made their best efforts to work out their differences, but to no avail as temperamentally they were totally different.
5. In or about June, 2007 because of serious differences, the Petitioners stopped having any marital relations with each other and started residing separately at the address stated in the title till date.
6. The Petitioners say and submit that in the circumstances aforesaid, the Petitioners have been living separately for a period of more than five years before filing of this petition. Even thereafter the Petitioners made their best efforts to work out their differences with the interventions of friends and family members but to no avail.
7. The Petitioners state that because of the serious differences which arose between them they realized that they were totally incompatible and could not lead a harmonious life and they found it impossible to adjust with each other and have mutually agreed to dissolve the said marriage by filing this Petition in this Hon'ble Court.
8. The 1<sup>st</sup> Petitioner does not claim any amount from the 2<sup>nd</sup> Petitioner by way of alimony. Both the Petitioners are working for gain and therefore do not claim any alimony from each other.
9. The Petitioners say and submit that as regards alimony, distributions of personal belongings etc., the Petitioners have arrived at Consent Terms, a copy of which is hereto annexed and marked as Exhibit - "B".
7. Both the Petitioners agree that they shall not have any claim or allegation against each other now or under any changed circumstances in future.

*Eliaels*

10. There is no collusion or connivance between the Petitioners regarding the subject matter of the Petition. The Petitioners say that they have made their best efforts to live together and to live a normal happy life but they have failed in their endeavors.
11. The Petitioners therefore submit that they have become entitled to a decree of divorce under Section - 13B of the Hindu Marriage Act, 1955. The Petitioners submit that there are no legal grounds why the relief claimed for should not be granted.
12. There is no fraud, force or undue influence in presenting this Petition.
13. There is no unnecessary or improper delay in filing this Petition.
14. No other proceedings with respect to the subject matter of this Petition between the Petitioners have been filed in this Hon'ble Court or in any other court in India.
15. The said Petitioners have last resided at Panvel, and therefore this Hon'ble Court has jurisdiction to entertain and try this Petition.
16. The Petitioners will refer to and rely upon the documents a list whereof is hereto annexed.
17. Fixed Court-fees of Rs.100/- has been paid on this Petition.
18. The Petitioners therefore pray :
  - a) That the marriage of the Petitioners solemnized at Panvel on 3<sup>rd</sup> May 2007 be dissolved by a Decree of Divorce by Mutual Consent under Section 13B of the hindu Marriage Act, 1955.
  - b) For such further and other reliefs as this Hon'ble Court deems fit and proper.

Petition drawn by.

T. Chaitan  
 Advocate for the Petitioner

Manchal  
 (PETITIONER NO.1)

Pradyumn Chitambar  
 (PETITIONER NO.2)



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VERIFICATION

I, Mrs MONALI BAIDYANATH JHA, the 1<sup>st</sup> Petitioner above named, do hereby solemnly declare that what is stated in the paragraphs hereinabove mentioned of the Petition is true to to my knowledge and what is stated in the subsequent paragraphs is based on legal submission and I believe the same to be true.

Solemnly declared at Panvel )  
This <sup>20<sup>th</sup></sup> day of DEC, 2012 ) MONALI B JHA

*T. Chakraborty*  
Advocate for the Petitioners

I, MR BAIDYANATH LALITMOHAN JHA, the 2<sup>nd</sup> Petitioner abovenamed, do hereby solemnly declare that what is stated in the paragraphs hereinabove mentioned of the Petition is true to to my knowledge and what is stated in the subsequent paragraphs is based on legal submission and I believe the same to be true.

Solemnly declared at Panvel )  
This <sup>20<sup>th</sup></sup> day of Dec, 2012 ) BAIDYANATH L JHA

*T. Chakraborty*  
Advocate for the Petitioners



*[Signature]*  
Compared by

**TRUE COPY**  
*[Signature]*  
Sub. Jent  
Civil Court, D. Panvel

अर्ज क्रमांक १८०/२०१८

एल.ए.आर./एम.एम.पी १९९/१९

कोर्ट कामासाठी/रेकॉर्डसाठी

निशाणी क्रमांक १०

झेरॉक्स पाने ४ प्रत्येकी रु. ४/- प्रमाणे.

- ..... लिहिणावळ. नकलेकरीता अर्ज दाखल ता. *०१/०१/१९* दोन हजार अठरा.
- ..... रुजुवात. नकलेच्या अर्जाची पूर्तता ता. *०१/०१/१९* दोन हजार अठरा.
- ..... सरचार्ज. नक्कल देण्याची समज दिली ता. *०१/०१/१९* दोन हजार अठरा.
- ..... कागद. नक्कल तयार ता. *०१/०१/१९* दोन हजार अठरा.
- ..... पोस्टेज.

१६/-एकूण.



नक्कल श्री. *अ.पं. गोरी* यांस दिली.

ता. *०१/०१/१९* दोन हजार अठरा.

*२०/१/१९*  
सहाय्यक अधिक्षक

दिवाणी न्यायालय व. स्तर पनवेल.

*२०/१/१९*  
सहाय्यक अधिक्षक

दिवाणी न्यायालय व. स्तर पनवेल.



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Received on : 20-12-2012  
Registered on : 20-12-2012  
Decided on : 29-06-2013  
Duration : Yrs. 0 Ms. 6 Days 9

Exhibit No. /C

**IN THE COURT OF THE JT.CIVIL JUDGE, SR. DIV.PANVEL.**  
**(BEFORE SHRI.G.P.SHIRSAT)**

**H.M.P.No.196/2012**

**Exh.No. 901 A**

Mrs. Monali Baidyanath Jha,  
Age 29 yrs.,  
R/at. E 5, Yashwant C.H.S.,  
Padwal Nagar, Kisan Nagar  
Wagle Estate, Thane.

... Petitioner no.1

**AND**

Mr.Baidyanath Lalitmohan Jha,  
Age 32 years,  
R/at 'B' wing, Flat No.202,  
Prajapati Arcade, Sector 15A,  
New Panvel, Navi Mumbai  
Dist. Raigad.

... Petitioner no.2

**Adv.K.M.Thacker for the Petitioners.**

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

**(Delivered on 29<sup>th</sup> June, 2013)**

This application is filed by the applicants for

dissolution of marriage by mutual consent u/s 13-B of Hindu Marriage Act.

2 The Petitioners state that their marriage was solemnized on 3<sup>rd</sup> May, 2007 as per Hindu Vedic rites. There is no issue out of the said marriage. After their marriage they are co-habited and resided at Panvel for a week.

3 The Petitioners states that after week of the said marriage, serious differences arose between them because of that there were regular arguments between them which ultimately culminated into quarrels. There came a time when it became impossible for them to live together under the same roof. In or about June, 2007 because of serious differences, they stopped having any marital relations with each other and started residing separately from each other.

4 The Petitioners states that they are living separately



(5)

for a period of more than five years before filing of this Petition. They further states that because of the serious differences which arose between them they realized that they were totally incompatible and could not lead a harmonious life and they found it impossible to adjust with each other. Therefore, they have decided to break-up the relationship as husband and wife by way of decree of divorce by mutual consent.

5 The Petitioners further stated that the Petitioner no. 1 does not claim any amount from the Petitioner no.2 by way of alimony. Both the Petitioners are working for gain and therefore, do not claim any alimony from each other. They further state that they shall not have any claim or allegation against each other not or under any changed circumstances in future.

6 It is admitted fact that this petition is filed by petitioners on 20/12/2012 and statutory period of 6 months has already lapse. Today both petitioners are present before the Court



and claiming decree for dissolution of marriage by mutual consent. Both petitioners have filed on record their affidavits as per Exh. No.s 7 & 8. So, also placed on record verified copy of Marriage Registration Certificate at Exh.9.

7 So, on considering of above all facts and circumstances and after perusing entire record, I found that the both petitioners are stands on their view to break-up the relationship as husband and wife by way of decree of divorce of mutual consent. Hence, I pass the following order.

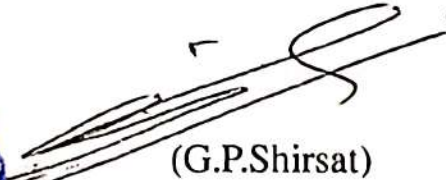
**ORDER**

1. The Petition is allowed.
2. The marriage solemnized between the petitioners on 3<sup>rd</sup> May, 2007 is hereby dissolved.
3. No order as to costs.
4. Decree be drawn up accordingly.

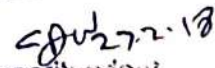
Panvel  
Date : 29/06/2013

  
Compared by



  
(G.P.Shirsat)  
Civil Judge, Sr.Dvn., Panvel.

TRUE COPY

  
Superintendent  
Civil Court, S. D. Panvel