

In The Court Of District & Sessions Judge, (Central) Delhi

HMA No. _____ of 2014

In the matter of:

Mr. _____ Petitioner No. 1

And

Smt. _____ Petitioner No. 2

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1	Petition under section 13-B (2) of The Hindu Marriage Act, 1955 alongwith affidavits of both the Petitioners.		
2	<u>Annexure-1</u> Certified Copy of the Order dated 18.03.2013, passed by Sh.Sudesh Kumar, ADJ, New Delhi, at the time of First Motion		
3	<u>Annexure-2(Colly)</u> Certified Copy of the Petition under section 13-B (1) of The Hindu Marriage Act, 1955, along with Affidavits and documents and Statements of the Petitioners		
4	Copies of the other related documents		
5	Vakalatnamas in favor of the Counsels of the Parties		

Petitioner No. 1

Petitioner No. 2

Through

_____, **Advocate**
(Counsel for the Petitioner No.1)
Ch. No. _____,
Lawyers' Chambers,
_____ Courts,
New Delhi-110017.

_____, **Advocate**
Advocates for Petitioner No. 2
Ch. No. _____,
Lawyers' Chambers,
_____ Courts,
New Delhi-110017.

In The Court Of District & Sessions Judge, (Central) Delhi

HMA No. _____ of 2014

In the matter of:

Mr. _____,
D/O Shri _____,
W/O _____,
R/O _____

..... Petitioner No. 1

And

Mrs. _____,
S/O Shri _____,
R/O _____

..... Petitioner No. 2

**PETITION UNDER SECTION 13-B (2) OF THE HINDU MARRIAGE ACT,
1955 FOR DISSOLUTION OF MARRIAGE BY MUTUAL CONSENT**

Most Respectfully submitted as under:-

1. That the maiden name of the Petitioner No.2 happened to be _____. After marriage, she adopted the surname of the Petitioner No.-1 and became known to the world at large by the name of _____.
2. That the First Motion between the parties hereto came up before the Hon'ble Court of _____, ADJ, Tis Hazari, Delhi and after recording of the statements of petitioners, the same was disposed of vide its order dated _____. Certified Copies of the Order dated _____ is **Annexure-1** and the Petition for the First Motion, U/S 13-B(1), of the Hindu Marriage Act, 1955, along with Affidavits, documents and Statements of the Petitioners No.1 & 2 are being annexed herewith this Petition as **Annexure-2 (Colly)**.
3. That despite the gap of 6 months between the two impugned motions, the Petitioners hereto could not reconcile their differences and continued to stay away from the society of each other. Hence, the present motion.
4. That the marriage between petitioners was solemnized on _____ according to Hindu rites and ceremonies at _____.

5. That the particulars of petitioners pertaining to their status, age and place of residence before marriage and at the time of filing the present petition are as under:

Before the marriage

Husband		Wife	
Status & Age	Residence	Status & Age	Residence
Hindu Bachelor ____ Years (Approx.)	R/O _____ _____ _____	Hindu Virgin 31 Years	R/O _____ _____ _____

At the time of filing of petition

Husband		Wife	
Status & Age	Residence	Status & Age	Residence
Hindu Married ____ Years (Approx.)	R/O _____ _____ _____	Hindu Married ____ Years	R/O _____ _____ _____

6. That the marriage was duly consummated but no child was born from the wedlock.
7. The parties are living separately from the company of each other since _____.
8. That the Petitioners were unable to adjust with each other due to their temperamental differences and various other reasons. They tried hard to reconcile their differences themselves and through their parents, relatives and friends, however, all went in vain.
9. That in this while, following Cases also got initiated by the Petitioner No.2 against the Petitioner No.1 and his family members:-
- i. An FIR No. _____ of _____ (Dated- _____), PS- _____, U/S- _____ of IPC.
 - ii. A Case Under Section-125 of the Code of Criminal Procedure, 1973.
 - iii. A Child Custody matter Under Guardians and Wards Act, 1890 & Hindu Adoptions And Maintenance Act, 1956.
 - iv. Any Other.

10. That the Petitioners have settled their issues/ Claims related to all the dowry/*Istridhan*, maintenance, past, present & future and permanent alimony etc. in the Mediation Centre, _____ District Court, New Delhi. In this regard, the Settlement/ Agreement dated _____, duly executed before the Mediator, Sh._____ may be referred to and relied upon, the contents of which form part and parcel of this Petition, however, the same have not been repeated herein just avoid the duplicity. The Copy of Settlement/ **Agreement dated** _____ is annexed herewith as **Annexure A**.
11. That the terms and conditions of the Agreement/ Settlement dated _____, with respect to the payment of money by the Petitioner No.1 to the Petitioner No.2, are as follows:
12. That the Petitioner No.1 agreed to pay the Petitioner No.2 a sum of Rs._____/ - towards full and final settlement/ satisfaction of all her claims in five equal instalments of Rs._____/ - each. The first instalment of Rs._____/ - were to be paid at the time of the First Motion in the proceedings/ Petition U/S 13(B)(1) of the Hindu Marriage Act, 1955, the second instalment of Rs._____/ - at the time of the Second Motion, U/S 13(B)(2) of the Hindu Marriage Act, 1955, the third instalment of Rs._____/ - at the time of withdrawal of the Case, under Section -12 of the D V Act, the fourth instalment of Rs._____/ - at the time of withdrawal of the Case, under Section-125 of the Cr.P.C., and the fifth and last instalment of Rs._____/ - were to paid at the time of quashing of FIR before this Hon'ble Court.
13. That other terms and conditions of the Agreement/ Settlement dated _____ do form part and parcel of this Petition, the same have however, not been repeated herein, just to avoid the duplicity.
14. That in view of the afore stated facts, as also in compliance with the Terms of the Settlement/ Agreement dated _____, the Petitioners have therefore filed this Petition for dissolution of their marriage by divorce with mutual consent. The expenditures incurred on filing of this Divorce Petition, including the Court fee etc., have been borne by Petitioner No.1.
15. That on _____, at the time of recording of statement in First Motion of the Divorce Petition, under section 13-B (1) of the Hindu Marriage Act, 1955, the Petitioner No.1 had paid to the Petitioner No.2 a

sum of Rs. _____/- (Rupees _____ only) vide a Bankers
Cheque No. _____, dated _____, issued by the Bank,
namely, _____, for a sum of **Rs.** _____
(Rupees _____ Only), in favour of _____,

16. That the Petitioner No.1 had already got made/ issued a Bankers
Cheque No. _____, dated _____, issued by the Bank, namely,
_____, for a sum of
Rs. _____ **(Rs. _____ Only)**, in favour of _____.
The Copy of the Demand Draft/ Pay Order is annexed here with this
Petition. The Petitioner No.1 undertakes to hand over to the Petitioner
No.2 the original Demand Draft/ Pay Order at the time of recording of
statement in First Motion of the Divorce Petition, under section 13-B (2)
of the Hindu Marriage Act, 1955.
17. That the parties to the Petition assure and undertake not to file or initiate
henceforth any civil or criminal or any other form of legal proceeding/s
against each other or their respective family members.
18. That the consent of the parties hereto, for moving the present petition,
has not been obtained by force, fraud or pressure, undue influence,
coercion from any quarter whatsoever and the petitioners have signed
the present petition and accompanying affidavits of their own volition.
19. That there is no collusion between petitioners in filing the present
petition.
20. That from henceforth, the Petitioners hereto have been left with no
mutual obligation against each other.
21. That nothing remains to be adjudicated upon in this Case.
22. That there is no delay in filing the present petition.
23. That there is no legal bar against seeking and granting the relief, as
prayed for in this Petition.
24. That the residence of the Petitioner No. 1 and/ or 2 falls within the
territorial jurisdiction of this Hon'ble Court and accordingly, this Hon'ble
Court has got the territorial jurisdiction to entertain the present Petition.
25. That the proper and requisite court fee has been affixed on the petition.

Prayer

In view of the aforementioned facts and circumstances, it is therefore most respectfully prayed that this Hon'ble Court may be pleased to:-

- i. Pass an Order/ Judgment, dissolving the marriage between the Petitioners by a decree of divorce by mutual consent in the interest of justice; and
- ii. Pass any other or further order(s) which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice.

Petitioner No. 1

Petitioner No. 2

Through

_____, **Advocate**
(Counsel for the Petitioner No.1)
Ch. No. _____,
Lawyers' Chambers,
_____ Courts,
New Delhi-110017.

_____, **Advocate**
Advocates for Petitioner No. 2
Ch. No. _____,
Lawyers' Chambers,
_____ Courts,
New Delhi-110017.

New Delhi
Dated _____

Verification:-

Verified, on solemn affirmation, on this ___ day of _____, **2014**, in New Delhi that the contents of paragraph Nos. **1 to** _____ of the above petition are true and correct to the best of our knowledge & belief and those of paragraphs Nos. _____ **to** _____, on the basis of legal advice received and the last paragraph is prayer to this Hon'ble Court.

Petitioner No. 1

Petitioner No. 2

In The Court Of District & Sessions Judge, (Central) Delhi

HMA No. _____ of 2013

In the matter of:

Mr. _____ Petitioner No. 1

And

Smt. _____ Petitioner No. 2

AFFIDAVIT

I, _____, S/O Shri _____,
R/O _____,

aged about ___ years, do hereby solemnly affirm and declare as under:

1. That the marriage between Petitioners was solemnized on _____ according to Hindu rites and ceremonies at _____.
2. That there is no collusion between Petitioner No.2 and I in filing the present petition.
3. That I am living separately from Petitioner No.2 since _____ and have not cohabited with her from then onwards.
4. That I have given my consent out of my own free will, choice and volition and the same has not been obtained either by force, fraud, pressure, undue influence or coercion from any quarter whatsoever.
5. That the accompanying Petition has been jointly drafted by our respective counsels under the joint instructions of Petitioner No.2 and mine and I further state that its contents are true and correct to the best of my knowledge, belief and the legal advice received.
6. That the contents of the accompanying petition may kindly be treated as an indispensable part of the present affidavit whose contents are not being reiterated to avoid prolixity.

Deponent

Verification:-

Verified, on solemn affirmation, on this ____ day of _____, **2014**, in New Delhi that the contents of the above affidavit are true and correct to the best of my knowledge and belief, no part of it is false and nothing material has been concealed there from.

Deponent

In The Court Of District & Sessions Judge (Central), Saket, New Delhi

HMA No. _____ of 2013

In the matter of:

Mr. _____ Petitioner No. 1

And

Smt. _____ Petitioner No. 2

AFFIDAVIT

I, _____, D/O Shri _____,
R/O _____,
aged about ___ years, do hereby solemnly affirm and declare as under:

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2. That there is no collusion between Petitioner No.1 and I in filing the present Petition.
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4. That I have given my consent out of my own free will, choice and volition and the same has not been obtained either by force, fraud, pressure, undue influence or coercion from any quarter whatsoever.
5. That the accompanying Petition has been jointly drafted by our respective counsels under the joint instructions of Petitioner No.1 and mine and I further state that its contents are true and correct to the best of my knowledge, belief and the legal advice received.
6. That the contents of the accompanying petition may kindly be treated as an indispensable part of the present affidavit whose contents are not being reiterated to avoid prolixity.

Deponent

Verification:-

Verified, on solemn affirmation, on this ____ day of _____, **2014**, in New Delhi that the contents of the above affidavit are true and correct to the best of my knowledge and belief, no part of it is false and nothing material has been concealed there from.

Deponent