

1. Joint petition under Section 13B(1) (First Motion)

IN THE COURT OF THE PRINCIPAL JUDGE, FAMILY COURT

[DISTRICT], [COURT COMPLEX], NEW DELHI

HMA Petition No. _____ of 20__

IN THE MATTER OF:

Smt. [Name of wife], D/o [Father's name], aged about [___] years, R/o [full address] ... Petitioner No. 1

AND

Shri [Name of husband], S/o [Father's name], aged about [___] years, R/o [full address] ... Petitioner No. 2

JOINT PETITION UNDER SECTION 13B(1) OF THE HINDU MARRIAGE ACT, 1955 FOR DISSOLUTION OF MARRIAGE BY A DECREE OF DIVORCE BY MUTUAL CONSENT

MOST RESPECTFULLY SHOWETH:

1. That the marriage between Petitioner No. 1 and Petitioner No. 2 was solemnised on [date] at [place] according to Hindu rites and ceremonies. The marriage was registered on [date] vide certificate no. [___] [delete if not registered]. A copy of the marriage certificate / wedding photographs is annexed as Annexure P-1.
2. That both petitioners are Hindus by religion and were Hindus at the time of the marriage and continue to be so on the date of filing this petition.
3. That after the marriage the petitioners lived together as husband and wife at [address of last joint residence]. [No child was born out of the wedlock.] OR [One child, namely [name], was born on [date], who is presently residing with [Petitioner No. ____].]
4. That due to differences in temperament and outlook, the petitioners could not live together. They have been living separately since [date], that is, for a period of more than one year immediately preceding the presentation of this petition, and have not cohabited as husband and wife since then.
5. That the petitioners have not been able to live together, all efforts at reconciliation have failed, and they have mutually and voluntarily agreed that their marriage should be dissolved by a decree of divorce.
6. That the petitioners have amicably settled all their claims against each other, including stridhan, dowry articles, maintenance, permanent alimony, custody of the child and all other claims, in terms of the Settlement Agreement / Memorandum of Understanding dated [date] annexed as Annexure P-2. Petitioner No. 2 has agreed to pay Petitioner No. 1 a total sum of Rs. [amount] towards full and final permanent alimony, of which Rs. [___] is paid at the time of the First

Motion and Rs. [___] shall be paid at the time of the Second Motion. [Edit to match the actual settlement.]

7. That the consent of the petitioners to this petition has not been obtained by force, fraud or undue influence.
8. That there is no collusion between the petitioners in presenting this petition.
9. That there has been no unnecessary or improper delay in instituting this petition.
10. That no other petition or proceeding between the petitioners is pending before any court. OR [The following proceedings are pending: [details]. The petitioners have agreed to withdraw / seek quashing of the same as recorded in the Settlement Agreement.]
11. That this Hon'ble Court has territorial jurisdiction to try and entertain this petition under Section 19 of the Hindu Marriage Act, 1955, as [the marriage was solemnised at ___] / [the petitioners last resided together at ___] / [Petitioner No. 1 presently resides at ___], which falls within the jurisdiction of this Hon'ble Court.
12. That the prescribed court fee has been affixed on this petition.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to:

- (a) pass a decree of divorce under Section 13B of the Hindu Marriage Act, 1955, dissolving the marriage solemnised between the petitioners on [date] by mutual consent; and
- (b) pass any other order which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

PETITIONER NO. 1

PETITIONER NO. 2

Through Counsel

Place: New Delhi Date: [___]

VERIFICATION

Verified at New Delhi on [date] that the contents of paragraphs 1 to 12 of the above petition are true and correct to our knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

PETITIONER NO. 1

PETITIONER NO. 2

2. Supporting affidavit (one for each petitioner)

AFFIDAVIT

I, [Name], [D/o / S/o] [Father's name], aged about [___] years, R/o [address], do hereby solemnly affirm and declare as under:

1. That I am Petitioner No. [1/2] in the accompanying petition and am well conversant with the facts of the case.
2. That the accompanying joint petition under Section 13B(1) of the Hindu Marriage Act, 1955 has been drafted under my instructions, and its contents have been read over and explained to me in the language I understand. The contents are true and correct.
3. That I have given my consent to the petition freely and voluntarily, without any force, fraud or undue influence.

DEPONENT

VERIFICATION

Verified at New Delhi on [date] that the contents of the above affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom.

DEPONENT

3. Second Motion under Section 13B(2)

**IN THE COURT OF THE PRINCIPAL JUDGE, FAMILY COURT, [DISTRICT], NEW
DELHI**

HMA Petition No. _____ of 20__

[Name of Petitioner No. 1] ... Petitioner No. 1 | [Name of Petitioner No. 2] ... Petitioner No. 2

**JOINT STATEMENT / MOTION UNDER SECTION 13B(2) OF THE HINDU MARRIAGE
ACT, 1955 (SECOND MOTION)**

1. That the petitioners filed the joint petition under Section 13B(1) on [date], and their statements at the First Motion were recorded on [date].
2. That more than six months [OR: the period as waived by this Hon'ble Court vide order dated __] have elapsed, and the petitioners have not withdrawn the petition.
3. That the petitioners have not cohabited since the First Motion, there is no possibility of reconciliation, and both petitioners continue to consent to the dissolution of their marriage.
4. That the terms of the Settlement Agreement dated [date] have been complied with up to this stage, including payment of Rs. [___], and the balance of Rs. [___] is being paid today by [mode].

PRAYER: It is prayed that this Hon'ble Court may be pleased to pass a decree of divorce dissolving the marriage between the petitioners under Section 13B(2) of the Hindu Marriage Act, 1955.

PETITIONER NO. 1

PETITIONER NO. 2

4. Application for waiver of the six-month period

**IN THE COURT OF THE PRINCIPAL JUDGE, FAMILY COURT, [DISTRICT], NEW
DELHI**

HMA Petition No. _____ of 20__

**APPLICATION ON BEHALF OF THE PETITIONERS FOR WAIVER OF THE
STATUTORY PERIOD OF SIX MONTHS UNDER SECTION 13B(2) OF THE HINDU
MARRIAGE ACT, 1955**

1. That the petitioners filed the accompanying petition, and their First Motion statements were recorded on [date].
2. That the petitioners have been living separately since [date], that is, for more than [___] years. The statutory period of six months under Section 13B(2), in addition to the one-year separation under Section 13B(1), is already over.
3. That all efforts at mediation and reconciliation have failed [mediation report dated __, if any], and there is no likelihood of the petitioners living together again.
4. That the petitioners have genuinely settled all their differences, including alimony and [custody of the child], as recorded in the Settlement Agreement dated [date].
5. That waiting for a further period would only prolong the agony of the petitioners. In the facts of the case, the petitioners pray for waiver of the waiting period in terms of the law laid down by the Hon'ble Supreme Court in Amardeep Singh v. Harveen Kaur, (2017) 8 SCC 746.

PRAYER: It is prayed that this Hon'ble Court may be pleased to waive the statutory period of six months under Section 13B(2) of the Hindu Marriage Act, 1955, take up the Second Motion forthwith, and pass a decree of divorce.

PETITIONER NO. 1

PETITIONER NO. 2