

SAMPLE TEMPLATE — STATE VARIATION MAY APPLY

Petition for Divorce by Mutual Consent under Section 13B of the Hindu Marriage Act, 1955

IN THE FAMILY COURT AT [PLACE]

HMA Petition No. [TO BE FILLED] of [YEAR]

IN THE MATTER OF:

[HUSBAND FULL NAME]

aged [AGE], son of [FATHER NAME]

resident of [ADDRESS]

... Petitioner No. 1

AND

[WIFE FULL NAME]

aged [AGE], daughter of [FATHER NAME]

resident of [ADDRESS]

... Petitioner No. 2

PETITION UNDER SECTION 13B(1) OF THE HINDU MARRIAGE ACT, 1955

The Petitioners most respectfully submit as under:

1. The Petitioners are Hindus by religion and were married to each other on [DATE OF MARRIAGE] at [PLACE OF MARRIAGE] according to Hindu rites and customs. The marriage was duly registered under the Hindu Marriage Act, 1955 vide Marriage Certificate No. [NUMBER] dated [DATE], copy whereof is annexed.
2. After the marriage, the Petitioners last resided together at [ADDRESS] and have been living separately since [DATE], a period of more than [PERIOD] years. There has been no cohabitation between the parties since the said date.
3. [DETAILS OF CHILDREN — Petitioners have [N] child(ren) namely [NAMES, AGES]. Custody arrangement: [DETAILS]. Or: There are no children of the marriage.]
4. The Petitioners have not been able to live together. Their temperaments and outlook have proved incompatible, and all attempts at reconciliation have failed. The Petitioners have mutually agreed that the marriage should be dissolved.
5. The Petitioners have arrived at a settlement on the following terms:
 - (a) Permanent alimony / maintenance: [DETAILS — lump sum / monthly amount / no claim];
 - (b) Custody and visitation rights of children: [DETAILS];
 - (c) Streedhan, jewellery and gifts: [DETAILS — returned / waived];
 - (d) Joint property and bank accounts: [DETAILS];

(e) No further claim of any kind by either party against the other.

6. The petition is filed within the territorial jurisdiction of this Court because [GROUND — last resided together at / Petitioner No. 2 resides at / marriage was solemnised at] a place within the jurisdiction of this Court.

7. The petition is filed without any coercion, undue influence or misrepresentation, and is being signed by both Petitioners with full understanding of its contents.

PRAYER

In view of the above, the Petitioners pray that this Hon'ble Court be pleased to dissolve the marriage of the Petitioners by a decree of divorce by mutual consent under Section 13B of the Hindu Marriage Act, 1955, and to pass such further orders as may be just and equitable.

Place: [PLACE]

Date: [DATE]

[PETITIONER NO. 1 SIGNATURE]

[PETITIONER NO. 2 SIGNATURE]

THROUGH

[ADVOCATE NAME], Advocate

Enrolment No.: [NUMBER]

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