

MUTUAL CONSENT DIVORCE PETITION FORMAT

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

**DRAFT FORMAT OF THE MUTUAL DIVORCE PETITION
BEFORE THE PRINCIPAL JUDGE, FAMILY COURT AT _____
HMA PETITION No. _____ OF ____ 20__**

IN THE MATTER OF:

(Name and address of the Husband) : Petitioner No.1

(AND)

(Name and address of the wife) : Petitioner No.2

**PETITION UNDER SECTION 13 (1) (i-b) OF THE HINDU MARRIAGE ACT FOR
DISSOLUTION OF MARRIAGE BY MUTUAL CONSENT**

MOST RESPECTFULLY SHOWETH:-

1. That The marriage between the parties was solemnized on _____ at _____, by Hindu rites and ceremonies. The said marriage was consummated thereafter and the parties co-habited as husband and wife at the matrimonial home i.e. _____. The particulars showing the details of the parties to the present petition is given hereunder:-

HUSBAND

BEFORE MARRIAGE.
Age Address Status

AFTER MARRIAGE
Age Address Status

WIFE

BEFORE MARRIAGE
Age Address Status

AFTER MARRIAGE
Age Address Status

2. That there is one boy name _____ Date of Birth _____ age _____ out of the wedlock of the parties. The parties mutually agreed to give custody of the child to Husband / Wife.

3. That the parties could not adjust with each other due to temperamental differences and their marriage has broken down irretrievably and it is now not possible between the parties live as husband and wife any more.

4. That all the efforts of reconciliation between the parties to continue the present marriage has failed and there are no further chances of reconciliation between the parties _____ any _____ more.

5. That the parties are residing separately since _____ and there is no cohabitation between the parties since then.

6. That the parties have now decided to dissolve the marriage legally through a

decree of divorce on mutual consent. The parties have settled all their claims, counter claims etc. and the respondent wife has received her entire Stridhan, Permanent alimony, maintenance etc. and there is no due with regard to any other claim between the parties now.

7. That the party has decided to withdraw all the complaints, counter complaints against each other.

8. That the present petition is not being filed in collusion.

9. That there are no other divorce proceedings pending before any other court.

10. That the matrimonial home of the parties was at _____ hence this court has the jurisdiction to grant the decree of divorce as prayed for.

11. That there are no legal impediments in grant of the decree of divorce to the parties on the basis of mutual consent.

PRAYER

It is most respectfully prayed that the court may accept the present petition and grant a decree of divorce between the parties thereby, dissolving the marriage between the parties.

Any other order which the court may deem fit and proper in the facts and circumstances of the present case be also passed in favour of the petitioners.

Petitioner No.1

Petitioner No.2

Note

Mutual consent Divorce Petition draft should be annexed with the following documents:

1. Affidavit of both the parties.
2. Joint photographs of parties at the time of marriage
3. Proof of residence of both the parties
4. Proof of identity of both the parties