**Format of Divorce Petition**

Mutual Consent Divorce Petition format under   
Section 13B of Hindu Marriage Act, 1955. This Petition can be filed if husband and wife are agree to get Divorce.

Format of Divorce Petition under Section 13B of Hindu Marriage Act 1955 to get divorce.

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.

Petition for Restitution of Conjugal Rights format, to file Petition, when the Petitioner is deserted by his partner. Conjugal Rights Restitution Petition can be filed before the District Judge or other Judge who has Jurisdiction to deal with the matter.

Format of Petition for Restitution of Conjugal Rights can be filed by the affected person who want to restitute his marriage life. This Petition can be filed when one of the spouse desert the other and stay in another house willfully or due to the coercion by another person.

Section 9 of Hindu Marriage Act, 1955 (HMA) provides for restitution of conjugal rights (RCR). It states that if one of the spouses abandons the other without any reasonable cause, the aggrieved party has a legal right to file a petition in the matrimonial court for restitution of conjugal rights. Restitution means that something has broken is being restored to its original position; thereby, in the context of marriage, it implies that one of the spouses has withdrawn from the society of the other spouse, i.e. refused to cohabit with the other spouse, under this provision, the aggrieved spouse can file a a Petition of RCR. Format of Petition for Restitution of Conjugal Rights is given below:

IN THE COURT OF THE \_\_\_\_\_\_\_\_\_\_\_\_\_ JUDGE AT \_\_\_\_\_\_\_\_\_

MATRIMONIAL CASE NO. \_\_\_\_\_\_\_\_\_\_ OF 20\_\_

IN THE MATTER OF:

Mr. ALU\_\_\_\_\_\_\_\_\_                                                                PETITIONER

VERSUS

MRS. GOBI \_\_\_\_\_\_\_\_\_\_                                                       RESPONDENT

PETITION UNDER SECTION 9 OF HINDU MARRIAGE ACT 1955 FOR RESTITUTION OF CONJUGAL RIGHTS

MOST RESPECTFULLY SHOWETH:

The Petitioner, above named states as under:

1. That marriage of the Petitioner and the Respondent was solemnized on \_\_\_\_\_\_\_\_\_\_ at \_\_\_\_\_\_\_\_\_\_\_\_ according to Hindu rites and ceremonies. The marriage was registered with the Registrar of marriages at \_\_\_\_\_\_\_\_\_\_\_. Certified copy of the extract from the concerned register is attached herewith as Annexure P1.

2. That the status and place of residence of the Parties to the marriage before the marriage and at the time of filing this petition is given as under:

i) Place of residence before the Marriage

ii) Place of residence at the time of filing the Petition

3. That from this marriage, the couple has been blessed with one boy aged 4 years and one girl child aged 2 years.

4. That the Petitioner and his wife were living together happily at our house. That on \_\_\_\_\_\_\_ the respondent went to her fathers house at \_\_\_\_\_\_\_. She gave word to return within 15 days, but she did not abide by her word and has not returned so far. The Respondent without any reasonable excuse, living in the house of her father.

5. That the petitioner went to his father-in-laws house at\_\_\_\_\_\_\_ to bring the respondent, a number of times, but on one pretext or the other, she declined to come along with the petitioner to his house.

6. That lastly the petitioner went to the house of the respondents father at \_\_\_\_\_\_\_ on \_\_\_\_\_\_\_ and asked the respondent to return with him, but she refused to come.

7. That the respondent deserted the petitioner or/and has withdrawn from his company without any reasonable or lawful excuse. Hence the necessity for the petition arose.

8. The Petition is not being presented in collusion with the Respondent.

9. The Petition is being presented without any unnecessary or improper delay on the part of the Petitioner.

10. There is no other legal ground as to why the decree of restitution of conjugal rights be not granted in favour of the Petitioner.

11. That no litigation has taken place between the parties to the Petition earlier.

12. This Hon'ble Court has jurisdiction to entertain and try this Petition as the marriage was solemnized at \_\_\_\_\_\_\_\_\_\_\_\_ the parties last resided together at \_\_\_\_\_\_\_\_\_\_\_\_\_ and even presently the respondent is residing within the Jurisdiction of this Hon'ble Court.

13. That the cause of action accrued to the petitioner against the respondent, within the jurisdiction of this Court, on \_\_\_\_\_\_\_ when the respondent left for her fathers house at \_\_\_\_\_\_\_ and it continues to accrue from day to day till the respondent comes back to the home of the petitioner and resumes his company..

14. In the facts and circumstances of case mentioned herein above this Hon'ble Court may graciously be pleased to:

P R A Y E R

That the Petitioner, therefore, prays:

a) for grant of decree for restitution of conjugal rights in favour of Petition and against the respondent; and

b) Any other relief or reliefs which the court may deem proper under the circumstances be also awarded to the petitioner.

PETITIONER

THROUGH   
  
\_\_\_\_\_\_\_\_\_\_\_\_\_\_., Advocate

Place :

Date :

VERIFICATION

I, the above named petitioner, do hereby verify that the contents of this petition in Para No \_\_\_\_\_\_ to Para No \_\_\_\_\_\_\_\_\_\_ are true to my personal knowledge and those in Para No \_\_\_\_\_ to Para No \_\_\_\_\_\_\_\_ are believed by me to be true.  
  
Signed and verified this \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_ 20 \_\_\_\_\_\_\_ at \_\_\_\_\_\_\_

PETITIONER

Petition for Restitution of Conjugal Rights format, to file Petition, when the Petitioner is deserted by his partner. Conjugal Rights Restitution Petition can be filed before the District Judge or other Judge who has Jurisdiction to deal with the matter.

Format of Petition for Restitution of Conjugal Rights can be filed by the affected person who want to restitute his marriage life. This Petition can be filed when one of the spouse desert the other and stay in another house willfully or due to the coercion by another person.

Section 9 of Hindu Marriage Act, 1955 (HMA) provides for restitution of conjugal rights (RCR). It states that if one of the spouses abandons the other without any reasonable cause, the aggrieved party has a legal right to file a petition in the matrimonial court for restitution of conjugal rights. Restitution means that something has broken is being restored to its original position; thereby, in the context of marriage, it implies that one of the spouses has withdrawn from the society of the other spouse, i.e. refused to cohabit with the other spouse, under this provision, the aggrieved spouse can file a a Petition of RCR. Format of Petition for Restitution of Conjugal Rights is given below:

IN THE COURT OF THE \_\_\_\_\_\_\_\_\_\_\_\_\_ JUDGE AT \_\_\_\_\_\_\_\_\_

MATRIMONIAL CASE NO. \_\_\_\_\_\_\_\_\_\_ OF 20\_\_

IN THE MATTER OF:

Mr. ALU\_\_\_\_\_\_\_\_\_                                                                PETITIONER

VERSUS

MRS. GOBI \_\_\_\_\_\_\_\_\_\_                                                       RESPONDENT

PETITION UNDER SECTION 9 OF HINDU MARRIAGE ACT 1955 FOR RESTITUTION OF CONJUGAL RIGHTS

MOST RESPECTFULLY SHOWETH:

The Petitioner, above named states as under:

1. That marriage of the Petitioner and the Respondent was solemnized on \_\_\_\_\_\_\_\_\_\_ at \_\_\_\_\_\_\_\_\_\_\_\_ according to Hindu rites and ceremonies. The marriage was registered with the Registrar of marriages at \_\_\_\_\_\_\_\_\_\_\_. Certified copy of the extract from the concerned register is attached herewith as Annexure P1.

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i) Place of residence before the Marriage

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3. That from this marriage, the couple has been blessed with one boy aged 4 years and one girl child aged 2 years.

4. That the Petitioner and his wife were living together happily at our house. That on \_\_\_\_\_\_\_ the respondent went to her fathers house at \_\_\_\_\_\_\_. She gave word to return within 15 days, but she did not abide by her word and has not returned so far. The Respondent without any reasonable excuse, living in the house of her father.

5. That the petitioner went to his father-in-laws house at\_\_\_\_\_\_\_ to bring the respondent, a number of times, but on one pretext or the other, she declined to come along with the petitioner to his house.

6. That lastly the petitioner went to the house of the respondents father at \_\_\_\_\_\_\_ on \_\_\_\_\_\_\_ and asked the respondent to return with him, but she refused to come.

7. That the respondent deserted the petitioner or/and has withdrawn from his company without any reasonable or lawful excuse. Hence the necessity for the petition arose.

8. The Petition is not being presented in collusion with the Respondent.

9. The Petition is being presented without any unnecessary or improper delay on the part of the Petitioner.

10. There is no other legal ground as to why the decree of restitution of conjugal rights be not granted in favour of the Petitioner.

11. That no litigation has taken place between the parties to the Petition earlier.

12. This Hon'ble Court has jurisdiction to entertain and try this Petition as the marriage was solemnized at \_\_\_\_\_\_\_\_\_\_\_\_ the parties last resided together at \_\_\_\_\_\_\_\_\_\_\_\_\_ and even presently the respondent is residing within the Jurisdiction of this Hon'ble Court.

13. That the cause of action accrued to the petitioner against the respondent, within the jurisdiction of this Court, on \_\_\_\_\_\_\_ when the respondent left for her fathers house at \_\_\_\_\_\_\_ and it continues to accrue from day to day till the respondent comes back to the home of the petitioner and resumes his company..

14. In the facts and circumstances of case mentioned herein above this Hon'ble Court may graciously be pleased to:

P R A Y E R

That the Petitioner, therefore, prays:

a) for grant of decree for restitution of conjugal rights in favour of Petition and against the respondent; and

b) Any other relief or reliefs which the court may deem proper under the circumstances be also awarded to the petitioner.

PETITIONER

THROUGH   
  
\_\_\_\_\_\_\_\_\_\_\_\_\_\_., Advocate

Place :

Date :

VERIFICATION

I, the above named petitioner, do hereby verify that the contents of this petition in Para No \_\_\_\_\_\_ to Para No \_\_\_\_\_\_\_\_\_\_ are true to my personal knowledge and those in Para No \_\_\_\_\_ to Para No \_\_\_\_\_\_\_\_ are believed by me to be true.  
  
Signed and verified this \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_ 20 \_\_\_\_\_\_\_ at \_\_\_\_\_\_\_

PETITIONER