**Matrimonial Petitions under HMA, Special Marriage, Divorce Act**

Hindu Marriage Act, Divorce, Maintenance, Restitution of Conjugal Rights

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

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

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

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

IN THE MATTER OF:

MR. HUS\_\_\_\_\_\_\_\_\_                                                                PETITIONER

VERSUS

MRS. WIF \_\_\_\_\_\_\_\_\_\_                                                       RESPONDENT

**PETITION FOR DECREE OF NULLITY OF MARRIAGE UNDER SECTION 12 OF HINDU MARRIAGE ACT**

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 P-1.

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 the marriage has not been consummated.

4. That the Petitioner and his wife were living together happily at the matrimonial house. That the Petitioner recently found that the Respondent was pregnant from another person Mr \_\_\_\_\_\_\_\_\_\_ aged \_\_\_\_\_\_\_\_\_\_\_\_\_ d/o \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Resident of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  The Respondent at the time of marriage did not disclose her relationship with Mr. \_\_\_\_\_\_\_\_\_\_\_and kept the Petitioner blank.

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

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

7. There is no other legal ground as to why the decree prayed for should be not granted in favour of the Petitioner.

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

9. 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.

10. 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 of Divorce in her favour and against the Respondent and declare the marriage as null and void; 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, Hus, state on solemn affirmation that whatever contained in paragraphs \_\_\_\_ to Para No \_\_\_\_\_\_\_\_\_\_ of the Petition is true to my own knowledge and that whatever contained in paragraphs No \_\_\_\_\_ to Para No \_\_\_\_\_\_\_\_ is based on information received and believed to be true to me.  
  
Signed and verified this \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_ 20 \_\_\_\_\_\_\_ at \_\_\_\_\_\_\_

PETITIONER

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

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

IN THE MATTER OF:

Mr. AA\_\_\_\_\_\_\_\_\_                                                                PETITIONER

VERSUS

MRS. GG \_\_\_\_\_\_\_\_\_\_                                                       RESPONDENT

**PETITION FOR JUDICIAL SEPARATION UNDER SECTION 10 OF HINDU MARRIAGE ACT**

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 6 years and one girl child aged 3 years.   That the Children is living with the Respondent.

4. That the Petitioner and his wife were living together happily at the matrimonial house. That on \_\_\_\_\_\_\_ the Petitioner was introduced to a person by his friend. During the conversation it was found that the Respondent is already marred to a third person. The Respondent while marrying the Petitioner not revealed this fact and kept the Petitioner blank.

5. That on \_\_\_\_\_ first husband of the Respondent reached the house of Petitioner and demanded to send Respondent with him. That on the same day Respondent along with two children have gone with her former husband.

6. That the petitioner has not in any manner condoned the acts complained of or connived.

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

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

9. There is no other legal ground as to why the decree prayed for should be not granted in favour of the Petitioner.

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

11. 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.

12. 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 of Judicial Separation 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

Format of Affidavit to be filed along with Petition for Judicial Separation by the person who want to get Judicial separation through court.

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

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

IN THE MATTER OF:

Mr. AA\_\_\_\_\_\_\_\_\_                                                                PETITIONER

VERSUS

MRS. GG \_\_\_\_\_\_\_\_\_\_                                                       RESPONDENT

AFFIDAVIT

I, \_\_\_\_\_\_\_ Mr. / Ms. \_\_\_\_\_\_\_\_\_\_\_ aged \_\_\_\_years, Occupation\_\_\_\_\_\_\_, the Petitioner, solemnly affirm and say as under:

1. That I am the Petitioner in the accompanying Petition under Section \_\_\_\_ of Hindu Marriage Act and well-acquainted with the facts of the case.

2. That I have gone through the contents of the accompanying Petition. I reaffirm the contents of the Petition, which are not being repeated here, for the sake of brevity.

3. That the Petition is not being presented or prosecuted in collusion with the Respondent.

4. That the Petitioner has not, in any manner, been accessory to or connived at the act or acts complained of. That on \_\_\_\_\_\_\_ the Petitioner was introduced to a person by his friend. During the conversation it was found that the Respondent is already marred to a third person. The Respondent while marrying the Petitioner not revealed this fact and kept the Petitioner bank. That on \_\_\_\_\_ first husband of the Respondent reached the house of Petitioner and demanded to send Respondent with him. That on the same day Respondent along with two children have gone with her former husband.

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

6. There is no other legal ground as to why the decree prayed for should be not granted in favour of the Petitioner.

Signed at\_\_\_\_\_\_\_\_\_\_\_ this \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_ 20 \_\_\_\_\_\_\_

DEPONENT

VERIFICATION

I, the above named Deponent, do hereby verify on oath that the contents of the affidavit above are true to my personal knowledge and nothing material has been concealed or falsely stated therein.

verified at \_\_\_\_\_\_\_\_ this \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_ 20 \_\_\_\_\_\_\_

DEPONENT

Format of Petition for Decree of Nullity of Marriage under section 11 of HMA to declare marriage as null and void, when the Petition satisfies grounds for Nullity of Marriage.

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

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

IN THE MATTER OF:

MRS. WIF\_\_\_\_\_\_\_\_\_                                                                PETITIONER

VERSUS

MR. HUS \_\_\_\_\_\_\_\_\_\_                                                       RESPONDENT

PETITION FOR DECREE OF NULLITY OF MARRIAGE UNDER SECTION 11 OF HINDU MARRIAGE ACT

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 girl child aged 4 years and one boy aged 2 years.   That the Children is living with the Respondent.

4. That the Petitioner and his wife were living together happily at the matrimonial house. That recently the Petitioner learnt that the respondent had a spouse living at the time of present marriage. The Respondent was already married to Mrs \_\_\_\_\_\_\_\_\_\_ aged \_\_\_\_\_\_\_\_\_\_\_\_\_ d/o \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Resident of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  The Respondent at the time of marriage not revealed this fact and kept the Petitioner blank.

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

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

7. There is no other legal ground as to why the decree prayed for should be not granted in favour of the Petitioner.

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

9. 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.

10. 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 of Divorce in her favour and against the Respondent and declare the marriage as null and void; 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, Wif, state on solemn affirmation that whatever contained in paragraphs \_\_\_\_ to Para No \_\_\_\_\_\_\_\_\_\_ of the Petition is true to my own knowledge and that whatever contained in paragraphs No \_\_\_\_\_ to Para No \_\_\_\_\_\_\_\_ is based on information received and believed to be true to me.  
  
Signed and verified this \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_ 20 \_\_\_\_\_\_\_ at \_\_\_\_\_\_\_

PETITIONER

Format of Petition for Decree of Divorce under Section 13(1)(ia) to get divorce when the Petitioner was treated with Cruelty by the Respondent.

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

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

IN THE MATTER OF:

MRS. WI\_\_\_\_\_\_\_\_\_                                                                PETITIONER

VERSUS

MR. HU \_\_\_\_\_\_\_\_\_\_                                                           RESPONDENT

**PETITION FOR DECREE OF DIVORCE UNDER SECTION 13(1)(ia) OF HINDU MARRIAGE ACT, 1955**

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 P-1.

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 the the marriage \_\_\_\_\_\_ couple has been blessed with one boy aged 3 years.

4. That the Petitioner and his wife were living together happily at the matrimonial house. That on \_\_\_\_\_\_\_ husband of the Petitioner has expelled the Petitioner after merciless beatings, when she questioned him about his drunken nature and misusing of money for drinking liquor with his friends.

5. The Petition has not in any manner necessary to or condoned the acts complained of or connived at, but the Respondent is treating the Petitioner with cruelty after immediately after two weeks of solemnization of the marriage.

6. The Petition is not being presented in collusion with the respondent.

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

8. There is no other legal ground as to why the decree prayed for should be not granted in favour of the Petitioner.

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

9. 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.

10. 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 of Divorce in favour of Petitioner 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, WI, state on solemn affirmation that whatever contained in paragraphs \_\_\_\_ to Para No \_\_\_\_\_\_\_\_\_\_ of the Petition is true to my own knowledge and that whatever contained in paragraphs No \_\_\_\_\_ to Para No \_\_\_\_\_\_\_\_ is based on information received and believed to be true to me.  
  
Signed and verified this \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_ 20 \_\_\_\_\_\_\_ at \_\_\_\_\_\_\_

PETITIONER