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MUTUAL DIVORCE BY HINDU COUPLE IN INDIA

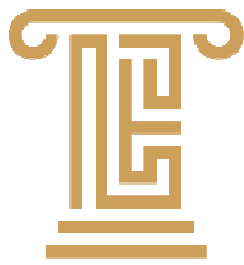
Mutual Divorce generally takes 6 months. In special cases, like joining a job abroad or leaving the country for some urgent matters, the cooling off period of 6 months can be waived off by the Family Court, if court feels satisfied by the reason and find it just and valid.

When Husband and Wife feel that their marriage is not working and it's time to get separated, there need to be an understanding that both should depart with good memories rather than getting into unnecessary filing complaints against each other in the various courts of law and ending up spoiling golden years of their youth in the legal hassles.

An understanding with regard to getting separated on the mutual terms and conditions regarding the maintenance amount, child custody, property division etc., can file a petition for mutual consent divorce in the District Family Court. The petition for mutual consent divorce shall be drafted based on the terms and conditions agreed mutually by both the partners.

The jurisdiction to file the petition for mutual consent divorce can be any of the following places:-

1. Where the marriage had taken place
2. Where Husband and Wife last resided together



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3. Where wife is residing at the time of filing the petition

As per the Hindu Marriage Act, Mutual Divorce petition can be filed jointly by both the parties (Husband & Wife) U/s 13(b) of the Hindu Marriage Act on the grounds;

- Both are living separately since one year or more,
- Both have temperamental issues and not been able to live together,
- Both mutually agreed that the marriage should be dissolved by decree of divorce

Once petition is filed in the District Family Court, the court shall then record the statements of both Husband and Wife separately and pass a first motion order giving a time period of 6 or more months to resolve their dispute and reconcile if still there is any hope of continuing the marriage, generally called cooling off period, but in case the parties are unable to resolve their differences within the stipulated time period, the Family Court shall pass a decree of Divorce after recording the statements on the second motion on the expiry of cooling off period.

For more information, please log onto – <https://www.ethicallegal.in>

OR

<http://blog.ethicallegal.in/2019/03/22/six-months-waiting-period-in-divorce-by-mutual-consent-of-hindu-marriage-act-not-mandatory-supreme-court/>