

IN THE COURT OF THE DISTRICT AND SESSIONS JUDGE, NEW DELHI.  
H.M.A. PETITION NO. \_\_\_\_\_ / 2014 IN THE MATTER OF:

- MR. \_\_\_\_\_ PETITIONER

VERSUS

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

PS. \_\_\_\_\_ Distt. \_\_\_\_\_ INDEX SRL. NO. \_\_\_\_\_  
PARTICULARS PAGES

1. Petition for Decree of Divorce, along with Affidavit
2. Address of the parties
3. List of Witnesses
4. List of document along with Documents

5. Vakalatnama FILED BY PETITIONER THROUGH \_\_\_\_\_,  
Advocate(s) (Counsel for the Petitioner) Enrolment No. \_\_\_\_\_  
Chamber/ Office at: \_\_\_\_\_

Contact No: \_\_\_\_\_ E-mail: \_\_\_\_\_ New Delhi: \_\_\_\_\_

Dated: \_\_\_\_\_ IN THE COURT OF THE DISTRICT AND SESSIONS  
JUDGE, NEW DELHI. H.M.A. PETITION NO. \_\_\_\_\_ / 2014 IN THE MATTER

OF:- Mr. \_\_\_\_\_ S/O \_\_\_\_\_

R/O \_\_\_\_\_

PETITIONER VERSUS Mrs. \_\_\_\_\_

D/O Shri \_\_\_\_\_ W/O \_\_\_\_\_

R/O \_\_\_\_\_

RESPONDENT PS. \_\_\_\_\_

Distt. \_\_\_\_\_ PETITION U/S 13(1)(ia) OF THE HINDU  
MARRIAGE ACT, 1955 (AS AMENDED UPTO DATE) FOR DECREE OF  
DIVORCE / DISSOLUTION OF THE MARRIAGE BETWEEN THE PARTIES. It is  
respectfully submitted as under.

1. That the marriage between the parties was solemnized on \_\_\_\_\_, as per Hindu  
rites and ceremonies, in a very simple ceremony being held at  
\_\_\_\_\_. An Affidavit confirming the said  
averments is being filed with this petition.

2. That the status, age and the place of residence of the parties before / at the time of  
marriage and at the time of filing of this Petition were / are as follows:- Before the  
marriage Husband Wife Status & Age Residence Status & Age Residence Hindu  
Bachelor \_\_\_\_ Years (Approx.) R/O \_\_\_\_\_



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\_\_\_\_\_ Hindu Virgin 31 Years R/O \_\_\_\_\_  
\_\_\_\_\_ At the time of filing of petition Husband Wife Status & Age Residence  
Status & Age Residence Hindu Married \_\_\_ Years (Approx.) R/O \_\_\_\_\_  
\_\_\_\_\_ Hindu Married \_\_\_ Years R/O \_\_\_\_\_  
\_\_\_\_\_

3. That the parties have one/ two child/ children, namely, \_\_\_\_\_ & \_\_\_\_\_ out of the wed lock, aged nearly \_\_\_ years & \_\_\_ years. The child/ children is/ are currently residing with the Petitioner/ Respondent.

4. That the parties have been residing separately since \_\_\_\_\_.

5. That the facts and circumstances of this case leading to the filing of the present Petition are as under:-

6. That the marriage between the parties was without any dowry. The Petitioner, his parents and/ or any other relative had not taken any dowry in the marriage, in Cash or kind.

7. That the Respondent has already taken away her entire STRIDHAN, given to the Respondent by both, the Petitioner's side and/ or the Respondent's side, including jewelry, of gold and/ or silver, as also the artificial ones, dresses, sarees. She took it away on \_\_\_\_\_ on the pretext of \_\_\_\_\_. She has kept her entire stridhan items at her parents' house at \_\_\_\_\_. It may however be added and carified herein that neither my side nor her side had given much of gold or silver jewelry. The jewelry was meager/ small items like nose pin, etc. All the Jewelry and valuables are with the Respondent as on the date of filing of this Petition.

8. That the marital relations between the parties have not been very pleasant and compatible since the day of marriage till the date filing of this Petition. The reasons for disharmony and non-compatibility are squarely attributable to the Respondent.

9. That right from the day-one of the marriage the behavior/ attitude of the Respondent towards the Petitioner, his mother, father, other family members and relatives has been very insulting/ disrespectful, quarrelsome, non-co-operative, suspicious, rude, insulting, adamant, dominating, high tempered, aggressive, violent and suicidal. The Respondent has given the Petitioner lots and lot of mental tension almost every day, by her acts of commission and omission, refusing to perform any of her matrimonial obligations. She has treated the Petitioner with cruelty, in the following ways and manner:

INSULTING, DISRESPECTFUL, RUDE, HIGH TEMPERED, AGGRESSIVE, VIOLENT, WHIMSICAL AND QUARRELSOME ATTITUDE OF THE RESPONDENT:

I. That the Respondent would not respect anybody in the house, not even the mother and father of the Petitioner. On the contrary, she would quarrel and insult the Petitioner

publicly every other day. She would not spare even his mother. The former used to quarrel with and insult the latter every now and then for no fault of the latter. The Respondent used to talk very rudely and would insult the aged parents of the Petitioner at the drop of the hat. That the Respondent quarreled with the Petitioner and his mother without any provocation.

II. That the Respondent was very whimsical. She used to break house hold items at the drop of hat and without any provocation.

III. That due the rude and insulting behavior of the Respondent towards the parents of the Petitioner, his Parents completely disowned the Petitioner. They also got their act/ statement of disowning published in a daily newspaper dated \_\_\_\_\_.

#### ADAMANT AND DOMINATING ATTITUDE:

IV. That the Respondent was very adamant. She was hell bent on living separately from the parents of the Petitioner. Not only that, she demanded from the Petitioner a separate residence, clearly specifying that the house should be near her mother's house and away from the house of the parents of the Petitioner.

V. That the Respondent used to dominate the Petitioner in everyhouse hold affair, be it small or big, thereby not at all giving him any space, clearly leaving him with no other choice but to suffer and sustain mental torture incessantly.

#### NON-CO-OPERATIVE ATTITUDE:

VI. That the Respondent was thoroughly non-co-operative. She refused to perform her matrimonial obligations making every trivial household thing an issue. However, the Petitioner continued to be responsive and co-operative, discharging all his matrimonial obligations, thinking that good sense will prevail upon the Respondent sooner than later.

#### SUSPICIOUS ATTITUDE:

VII. That just as if what is averred hereinabove was not enough, the Respondent also used to torture, harass and humiliate the Petitioner privately and publicly by alleging that he had numerous affairs with other women. The Respondent used to level this allegation despite the fact that she knew it very well that the Petitioner had no such relation, the Petitioner being person of principles and morals.

#### SUICIDAL/ REVENGEFUL ATTITUDE:

VIII. That at times, and very often, the Respondent used to threaten to commit suicide by pulling a knife from kitchen and putting it near her wrist. She also used to threaten on and off that she will kill the Petitioner.

IX. That for some time now, the Respondent was scaring the Petitioner by threatening him that she is going to get his entire family falsely implicated in false criminal cases, for dowry demand and domestic violence.



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REFUSED TO PERFORM MATRIMONIAL OBLIGATIONS:

X. That the Respondent has not been performing any of her matrimonial obligation much prior to since the parties formally separated on \_\_\_\_\_.

That since \_\_\_\_\_, the Respondent has been consistently refusing to have sex with the Petitioner. She has also been refusing to do any house hold chorus. She has not been preparing meals, breakfast, lunch, dinner, for the Petitioner.

ACUTE HABBIT OF TALKING ON PHONE/ MOBILE:

XI. That the Respondent talks to her mother on phone several times in a day. The mother of the Respondent has also threatened the petitioner of falsely implicating in false criminal Cases.

GOT THE CHILD/ CHILDREN ADMITTED TO SCHOOL WITHOUT CONSULTING THE PETITIONER:

XII. That the Respondent got their child/ children admitted to school, without consulting the Petitioner.

OTHER

RELEVANT

FACTS

XIII.



XIV.

XV.

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10. That the Respondent has committed the above said acts of cruelty on the Petitioner knowingly, intentionally, wilfully and deliberately. 11. That the Petitioner has sought the intervention of the parents and relatives of the Respondent, however, they have never taken any interest in the affairs of the parties. The Petitioner has made all efforts and has exhausted all the avenues to bring normalcy in his married life, however all has gone in vain.

12. That the marital relation of the parties has been damaged beyond repair. There is no chance of any patch up between them. Consequently the marriage between the parties is irretrievably broken.

13. That in view of the facts and circumstances, as narrated here-in above, the Petitioner has been left with no other alternative but to seek the remedy through the Court of law. Hence this Petition.

14. That this petition is not being presented in collision with the Respondent.

15. That no such petition was / has ever been filed by the Petitioner against the Respondent in this Court or any other court.

16. That the Petitioner has not condoned the above said cruelties committed by the Respondent on him.

#### GROUNDS

17. That the Petitioner, seeks from this Hon'ble Court the dissolution of his marriage with the Respondent on the following grounds amongst others:- (a) BECAUSE the Respondent has since solemnization of the marriage of the parties treated Petitioner with cruelty. (b) BECAUSE there is a complete breakdown of the marriage between the parties. There is no chance of any patch up between them.

18. That that grounds for divorce, as enumerated in Section-13 of the Hindu Marriage Act, 1955, are reproduced here-in-under, for an instant reference:- Section-13. Divorce-

(1) Any marriage solemnized, whether before or after the commencement of the Act, may, on a petition presented by either the husband or the wife, be dissolved by a decree of divorce on the ground that the other party- (i) has, after the solemnization of the marriage had voluntary sexual intercourse with any person other than his or her spouse; or (ia) has, after the solemnization of the marriage, treated the petitioner with cruelty; or (ib) has deserted the petitioner for a continuous period of not less than two years immediately preceding the presentation of the petition; or (ii) has ceased to be a Hindu by conversion to another religion; or (iii) has been incurably of unsound mind, or has suffering continuously or intermittently from mental disorder of such a kind and to such an extent that the petitioner cannot reasonably be expected to live with the respondent. Explanation.- In this clause-

(a) the expression "mental disorder" means mental illness, arrested or incomplete development of mind, psychopathic disorder or any other disorder or disability of mind and includes schizophrenia; (b) the expression "psychopathic disorder" means a persistent disorder or disability of mind (whether or not including subnormality of intelligence) which results in abnormally aggressive or seriously irresponsible conduct on the part of the other party and whether or not it requires or is susceptible to medical treatment; or (iv) has been suffering from a virulent and incurable form of leprosy; or (v) has been suffering from venereal disease in a communicable form; or (vi) has renounced the world by entering any religious order; or (vii) has not been heard of as being alive for a period of seven years or more by those persons who would naturally have heard of it, had that party been alive; Explanation.- In this sub-section, the expression "desertion" means the desertion of the petitioner by the other party to the marriage without reasonable cause and without the consent or against the wish of such party, and includes the willful neglect of the petitioner by the other party to the marriage, and its grammatical variations and cognate expression shall be construed accordingly. (1-A) Either party to a marriage, whether solemnized before or after the commencement of this Act, may also present a petition for the dissolution of the marriage by a decree of divorce on the ground- (i) that there has been no resumption



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of cohabitation as between the parties to the marriage for a period of one year or upwards after the passing of a decree for judicial separation in a proceeding to which they were parties; or (ii) that there has been no restitution of conjugal rights as between the parties to the marriage for a period of one year or upward after the passing of a decree of restitution of conjugal rights in a proceeding to which they were parties. (2) A wife may also present a petition for the dissolution of her marriage by a decree of divorce on the ground- (i) in the case of any marriage solemnized before the commencement of this Act, that the husband had married again before the commencement or that any other wife of the husband married before such commencement was alive at the time of the solemnization of the marriage of the petitioner: Provided that in either case the other wife is alive at the time of the presentation of the petition; (ii) that the husband has, since the solemnization of the marriage, been guilty of rape, sodomy or bestiality; or (iii) that in a suit under Section 18 of the Hindu Adoptions and Maintenance Act, (78 of 1956), or in a proceeding under Section 125 of the Code of Criminal Procedure, 1973, (Act 2 of 1974) or under corresponding Section 488 of the Code of Criminal Procedure, (5 of 1898), a decree or order, as the case may be, has been passed against the husband awarding maintenance to the wife notwithstanding that she was living apart and that since the passing of such decree or order, cohabitation between the parties has not been resumed for one year or upwards; or (iv) that her marriage (whether consummated or not) was solemnized before she attained the age of fifteen years, and she has repudiated the marriage after attaining that age but before attaining the age of eighteen years. Explanation- This clause applies whether the marriage was solemnized before or after the commencement of the Marriage Law (Amendment) Act, 1976.



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19. That the abetment of the Respondent tantamount to Cruelty and is very well covered under Section-13(1)(ia) of the Hindu Marriage Act, 1955.

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20. That the cause of action to file the present petition arose on \_\_\_\_\_, since when the parties are living separately. It further arose on each and every day and date prior and after \_\_\_\_\_, when the Respondent subjected the Petitioner to cruelty by her acts of commission and omission, as mentioned in this Petition.

21. That this Hon'ble Court does have the jurisdiction in the matter to adjudicate upon and decide the same.

22. That this Petition is being instituted within the period of limitation, as the same is filed before this Hon'ble Court without any unnecessary and/or improper delay.

23. That the Petition has also been filed in compliance of the provisions of the Hindu Marriage Act, 1955. There is no legal ground or bar to the grant of relief as prayed for in this petition.

24. That the appropriate court fee has been affixed on this Petition.

PRAYER

It is therefore most respectfully prayed that this Hon'ble Court be pleased to; a) Pass a decree of divorce, ordering / directing dissolution of the marriage between the parties. b) Pass any other and / or further order(s) in the favour of the Petitioner and against the Respondent, which this Hon'ble Court may deem fit and proper in the interest of Justice and fair play.

I, the Deponent, do hereby solemnly affirm and declare as under:-

1. I am the Petitioner in the above noted / accompanying Petition U/S-13 of the Hindu Marriage Act, 1955, for decree of divorce/ dissolution of the Marriage between me and the Respondent, and therefore am competent to file this Affidavit in support of the Petition.

2. The accompanying Petition has been drafted by my counsel as per my instructions. I have gone through and understood the contents of the Petition and found the same to be correct.

3. That I reaffirm that I had married to the Respondent on \_\_\_\_\_. I have filed the accompanying Petition, as the Respondent has committed cruelty on me, as stated by me in the accompanying Petition. She did so intentionally, willfully and deliberately. The contents of the petition also form part and parcel of this petition, which have, however, not been repeated herein for the sake of the brevity.

4. That I affirm that there is a complete breakdown of the marriage between me and my wife. There is no chance of any patch up between us.

5. That I affirm that I have not prepared this petition in collusion with the Respondent.

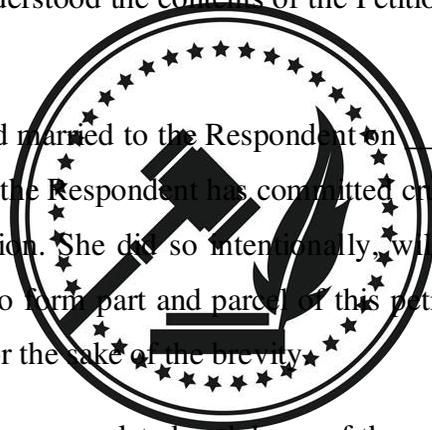
6. That I affirm that I have not condoned the cruelties committed by the Respondent on me.

DEPONENT

VERIFICATION

Verified at New Delhi on \_\_\_\_\_ day of \_\_\_\_\_ that the contents of the above noted affidavit are true and correct to my knowledge and belief and nothing material has been concealed there from.

DEPONENT



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