

Precedent No. 62

**AFFIDAVIT: UNDER SECTION 13B(1) OF THE HINDU MARRIAGE ACT, 1955 -
DISSOLUTION OF MARRIAGE BY MUTUAL CONSENT (SECOND MOTION)**

IN THE COURT OF ADDL DISTRICT JUDGE,

H.M.A. Petition No.of 20.....

IN THE MATTER OF:

A.B

...PETITIONER 1

VERSUS

B.C

...PETITIONER 2

AFFIDAVIT

I, W/o, D/o, aged.....years,
presently residing in.....

The deponent abovenamed solemnly affirms and states as under:

1. That the deponent is petitioner No. 1 in the accompanying petition and is well conversant with the facts of the case. The deponent is competent to swear to this affidavit.
2. That the marriage of the parties was solemnized at Delhi on....., as per Hindu rites and ceremonies.
3. That a female child, by the name of , was born out of the wedlock between the parties on
4. The said child is in the care and custody of the deponent and petitioner No. 2 has only visitation rights with regard to the child.
5. That the parties had filed a petition for dissolution of their marriage on the ground of mutual consent under section 13B(1) of the Hindu Marriage Act, 1955, by way of first motion, wherein this Hon'ble Court was pleased to pass orders allowing the petition.
6. That the details mentioned in the accompanying petition, regarding the age, status and place of residence of the deponent at the time of marriage and at the time of institution of this petition, may be read as a part of this affidavit for the sake of brevity.

7. That the parties herein lived together in the house of petitioner No. 2 till the petitioner No. 1, owing to the temperamental differences with the petitioner No. 1 and absolute incompatibility between the two, left the matrimonial home on.....
8. That the parties could not live together and have been living separately since the aforementioned date and there has been absolutely no cohabitation between the parties ever since.
9. That owing to the failure of all efforts of both the parties at reconciliation, the marriage between the parties has come to an irretrievable breakdown.
10. That the parties have compromised all their disputes and have decided to seek divorce by mutual consent on the following terms:
 - a. The petitioner No. 2 has agreed to pay a sum of Rs.....in all to the deponent towards maintenance past and future for the deponent and the minor child, *stridhan*, dowry in whatever form, etc., and thereafter the deponent will have no right to lay any claim whatsoever on the person or any property of petitioner No. 2.
 - b. That out of the aforesaid amount, a sum of Rshas already been paid by petitioner No. 2 to the deponent by way of draft No dated issued by.....in the Court of Shri onwhen the deponent had withdrawn her petition under section 125 of the Code of Criminal Procedure. Further, out of the balance, a sum of Rs.....was agreed to be paid at the time of recording of the statement of the petitioners in the first motion before this Court and another sum of Rsshall be payable at the time of recording the statement in the second motion before this Court and the balance of Rswill be payable at the time of quashing of the proceedings arising under section 498A/406, IPC and are now pending disposal in the Court of Shri.....
11. That a sum of Rsis, therefore payable by way of a demand draft bearing No issued by.....
12. That it has been agreed between the parties that the child named above shall remain in care and custody of the deponent and petitioner No. 2 shall have visitation rights only.

13. That petitioner No. 2 shall never claim the custody of the said child and the deponent has undertaken not to claim any maintenance from petitioner No. 2 for the said child.
14. That the mutual consent has not been obtained by any force, fraud or undue influence.
15. That the petition has not been presented in collusion with the petitioner No. 2.
16. That there has not been any unnecessary or improper delay in filing this petition.
17. That there is no other legal ground why the relief should not be granted.

Sd./

Deponent.

VERIFICATION

Verified at on this the day of, 20, that the contents of the above affidavit are true and correct to the best of my knowledge, belief and information and nothing material has been concealed therefrom.

Sd./

Deponent.

Solemnly affirmed and signed before me by the deponent, who is personally known to me, on this the day of, 20

Sd./

Counsel for the deponent.

Note: Affidavit to be attested by the appropriate authority prescribed under law.