

**IN THE COURT OF [PRINCIPAL JUDGE, FAMILY COURT / DISTRICT JUDGE],
[PLACE]**

HMA Petition No. ____ of 20__

MEMO OF PARTIES

[NAME OF WIFE], D/o [NAME], W/o [NAME], aged about [__] years, presently residing at [FULL ADDRESS WITH PIN CODE]... Petitioner No. 1

[NAME OF HUSBAND], S/o [NAME], aged about [__] years, resident of [FULL ADDRESS WITH PIN CODE]... Petitioner No. 2

**JOINT PETITION UNDER SECTION 13-B OF THE HINDU MARRIAGE ACT,
1955 FOR DISSOLUTION OF MARRIAGE BY A DECREE OF DIVORCE BY
MUTUAL CONSENT (FIRST MOTION)**

The petitioners respectfully submit as under:

1. That the marriage between the petitioners was solemnised on [DATE] at [PLACE] according to Hindu rites and ceremonies. [The marriage was registered on __ vide registration No. __.] The marriage photographs / certificate are annexed as Annexure P-1.
2. That [no child was born out of the wedlock / the following child(ren) were born: NAME, DATE OF BIRTH, presently in the custody of __].
3. That the petitioners last resided together as husband and wife at [ADDRESS], within the jurisdiction of this Court [Section 19 of the Act].
4. That due to temperamental differences, the petitioners could not live together, and they have been living separately since [DATE], i.e. for a period of more than one year before the presentation of this petition.
5. That all efforts at reconciliation by the families and well-wishers have failed, and there is no possibility of the petitioners living together as husband and wife.
6. That the petitioners have mutually agreed that their marriage should be dissolved. They have settled all their claims regarding [STRIDHAN / DOWRY ARTICLES, MAINTENANCE / PERMANENT ALIMONY of ₹__, payable as __, CUSTODY AND VISITATION, OTHER] in full and final settlement (Annexure P-2).
7. That the consent of neither petitioner has been obtained by force, fraud or undue influence, and there is no collusion between the parties in filing this petition.
8. That [no other litigation is pending between the parties / the following cases are pending: __, and the parties undertake to withdraw / get them disposed of in terms of the settlement].
9. That no previous petition for the same relief has been filed between the parties.
10. That the applicable marriage law and ceremonies are [facts], and jurisdiction under the precise clause of Section 19 rests on [marriage place / last shared residence / respondent residence / wife's residence where applicable] supported by [record].
11. That the parties have lived separately since [date], have been unable to live together, and have mutually agreed to dissolve the marriage. The statutory separation period under Section 13B(1) is satisfied by [timeline].

12. That the settlement provides ₹[] as [alimony], payable [instalment, method and trigger]; stridhan and articles are listed with delivery acknowledgments; liabilities and property terms are [precise provisions]. No ambiguous promise of future settlement is relied on.
13. That children's custody, school, residence, medical costs, visitation, holidays and communication are agreed as [terms], subject always to their welfare and the Court's directions; the parents do not purport to waive a child's independent rights.
14. That each pending case and the competent forum's proposed disposal are listed as [case number, relief, stage and step]. This petition does not itself withdraw criminal proceedings or guarantee quashing of an FIR.
15. That any proposed waiver of the Section 13B(2) waiting period will be sought by a supported application stating separation duration, reconciliation efforts, completeness of settlement and hardship. Consent must remain voluntary at the second motion.
16. That [OPTIONAL: retain only after verifying the cited rule and these facts] [only if a separate waiver application is being made] separation dates [], failed reconciliation [record], settled obligations [proof] and avoidable hardship [facts] support discretionary waiver under Amardeep Singh. This is confined to Section 13B(2); the independent Section 13B(1) requirements remain satisfied.

PRAYER

It is, therefore, respectfully prayed that the statements of the petitioners may kindly be recorded on this first motion, and on the second motion, after the period prescribed under Section 13-B(2) of the Hindu Marriage Act, 1955 [or on its waiver, if permissible and sought], the marriage between the petitioners may be dissolved by a decree of divorce by mutual consent.

Place: [PLACE] Date: [DATE]

PETITIONER No. 1 PETITIONER No. 2 Through [NAME OF
ADVOCATE(S)] Advocate(s)

VERIFICATION

Verified at [PLACE] on [DATE] that the contents of paragraphs 1 to [] of the above petition are true and correct to our knowledge, and the last paragraph is the prayer to this Hon'ble Court. Nothing material has been concealed therefrom.

PETITIONER No. 1 PETITIONER No. 2

Note: A separate affidavit is filed by each petitioner, together with identity proofs, photographs and the marriage proof.

**IN THE COURT OF [PRINCIPAL JUDGE, FAMILY COURT / DISTRICT JUDGE],
[PLACE]**

HMA Petition No. ____ of 20__

[NAME OF PETITIONER NO. 1]... Petitioner No. 1

Versus

[NAME OF PETITIONER NO. 2 (JOINT PETITION)]... Petitioner No. 2 (joint petition)

AFFIDAVIT

Affidavit of [NAME OF DEPONENT], [S/o / D/o / W/o] [NAME], aged about [__] years,
resident of [FULL ADDRESS WITH PIN CODE].

I, the above-named deponent, do hereby solemnly affirm and declare as under:

1. That the deponent is competent to swear this affidavit and the accompanying [suit / petition / application] has been drafted by counsel on the deponent's instructions. Its contents have been read over and explained in [LANGUAGE], understood by the deponent, and are incorporated as part and parcel of this affidavit; the factual statements are true to the deponent's knowledge or identified records, and legal submissions are based on advice believed to be true.
2. That [no same or similar suit / petition / application on the same cause of action has been filed / the following prior or pending proceedings, outcomes and orders are fully disclosed: ____]. Nothing material has been concealed.

DEPONENT

VERIFICATION

Verified at [PLACE] on [DATE] that paragraphs 1 and 2 above are true and correct to my knowledge and identified records, with legal submissions based on advice believed true. Nothing material has been concealed.

DEPONENT

Note: To be sworn before an Oath Commissioner / Notary Public and stamped as required by the applicable rules.

PREPARATION AND JUDGMENT APPLICATION

Updated 11 October 2026. Complete every material fact, retain only supported alternatives, and renumber before filing. These notes support professional adaptation; they do not supply missing evidence or guarantee relief.

Filing and relief checks. Annex marriage evidence, residence proof, complete settlement and case schedule. State payment milestones clearly. First-motion recording is not a divorce decree; distinguish the one-year separation requirement from the discretionary six-month waiting-period waiver.

Fact-specific authority. *Amardeep Singh v. Harveen Kaur*, (2017) 8 SCC 746; 12 September 2017, paras 18–22. For a waiver request, connect failed reconciliation, settled obligations and avoidable hardship to the evidence. Waiver is discretionary and concerns Section 13B(2), not an automatic exemption from all statutory requirements. Read the judgment

Source: <https://indiankanoon.org/doc/79830357/>

Before relying on any authority, compare the material facts, procedural stage, statutory version and precise relief; check subsequent treatment and applicable local practice. Keep the authority note separate from the signed pleading. For criminal procedure, determine Section 531 BNSS savings rather than select the code solely from the alleged offence date.