

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 11844 OF 2019

**NILESH SUDHAKAR MALVE
VERSUS
POOJA NILESH MALVE**

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Advocate for the Petitioner : Shri P. K. Lakhotiya
Advocate for the Respondent - sole : Shri H. H. Padalkar

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 26th SEPTEMBER, 2019.

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PER COURT :

1. The petitioner husband and the respondent wife, are before this Court praying for quashing of the impugned order dated 03/09/2019 passed by the learned Civil Judge Senior Division, Beed in Hindu Marriage Petition No. 208/2019.

2. It is submitted that though the parties got married on 19/04/2018, they have been living separately from 30/05/2018. The proceedings were lodged on 06/07/2019 for seeking a mutual divorce under Section 13-B (1) of the Hindu Marriage Act. It is conceded that the Act mandates that the parties should be separated for one year and thereafter, a

period of six months is granted to consider whether the separation can be re-conciled. It is now almost four months out of the said period of six months that have lapsed and is therefore a matter of only two months.

3. Both the learned Advocates submit that they had confessed before the Trial Court that both of them have decided to part ways and both of them are now planning an arranged marriage in November. They therefore, need to be legally divorced before they get married for the second time in November.

4. Considering the above, this petition is allowed. The impugned order dated 03/09/2019 is quashed and set aside and the remainder period of about 65 days stands waived. Consequentially, application Exhibit 11D dated 03/09/2019 is allowed.

(RAVINDRA V. GHUGE, J.)

shp/-