



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

WRIT PETITION NO. 14860 OF 2023

VILAS VITTHAL BHURE

VERSUS

ASHA VILAS BHURE

...

Mr. Ingole Govind Rangrao, Advocate for the Petitioner

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 08.07.2025

PER COURT :-

1. Petitioner impugns order dated 17.02.2023 passed below Exhibit-22 by learned Judge Family Court, Nanded in Petition No. A-1 of 2021, by which application of petitioner to allow Divorce petition and pass decree has been declined.
2. Respondent filed proceeding under Section 13 of Hindu Marriage Act against petitioner seeking decree of dissolution of marriage.
3. Perusal of application shows that respondent sought decree of divorce on the ground of cruelty on the part of petitioner-husband. Petitioner appeared before Family Court and filed written statement contending that entire allegations made against him are false and bogus. However, he submits that decree of divorce may be passed. Thereafter, petitioner filed another application at Exhibit-22, wherein he prayed for decree of divorce. Learned Judge Family Court rejected said application vide order dated 17.02.2023 observing that on the one hand, petitioner is denying allegations of cruelty and on the other hand seeks to pass decree of

divorce on the ground that marriage is broken and parties are residing separately for more than 15 years.

4. Section 13 of Hindu Marriage Act provides for divorce.

“Clause 1(III), provides for divorce on the ground of cruelty.

Section 13(b), provides for decree of divorce by mutual consent; however, motion is to be made by both parties.”

5. In present case, petitioner has specifically refuted allegations of cruelty incorporated by respondent / wife, however seeks to pass decree of divorce. It is trite that unless one of the grounds as contemplated in Section 13 of Hindu Marriage Act is made out, decree of divorce cannot be passed. In present case, contentions in petition regarding cruelty at the hands of petitioner are denied. Therefore, Court cannot pass any decree of divorce on the ground of cruelty or any other ground in terms of Section 13 of Hindu Marriage Act. In light of factual and legal aspects in this case, no jurisdictional error can be made out in impugned order.

6. In result, this Court does not find any merit in writ petition. Hence, Writ petition stands **rejected**.

7. In peculiar facts of the present case, if parties cooperate for early disposal of petition, learned Family Court shall endeavour to decide pending petition within a period of six (06) months from today.

[S. G. CHAPALGAONKAR, J.]