



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH : NAGPUR

**WRIT PETITION NO. 3737 OF 2026**

ADITYA S/O MANGESH PURANIK AND ANR. VS. NIL

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Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's Orders.  
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Ms. Padma Chandekar, Advocate for petitioners.

**CORAM : PRAFULLA S. KHUBALKAR, J.**

**DATE : 08.05.2026**

Heard learned counsel for the petitioners.

2. The petitioners herein, who are husband and wife, have filed the instant petition challenging the order dated 12.03.2026 passed by the Family Court, Nagpur, by which, their application under Section 14 of the Hindu Marriage Act, for permission to file the petition for divorce by mutual consent before completion of one year of marriage, is rejected.

3. It has to be noted that the petition for divorce by mutual consent was filed by both the spouses and even before this Court, they both are petitioners and nobody is arrayed as respondent. Pertinently, the petitioners have also filed a separate application under Section 14 of the Hindu Marriage Act, for presentation of the petition within one year of marriage, which was registered as Civil

M.A. No.18/2026, thereby mentioning several reasons for leave to grant permission for presentation of the petition before expiry of one year period.

4. Having regard to the reasons mentioned in the application, particularly at paragraphs 2 and 3, the Family Court ought to have decided the application by considering those specific reasons. However, it appears that by only considering the position of law as laid down in *Amardeep Singh Vs. Harveen Kaur*, reported at *AIR 2017 SCC 4417*, which deals with the issue of cooling-off period after the petition for mutual consent is presented, the Family Court has rejected the application.

5. Learned counsel for the petitioners points out that the application under Section 14 of the said Act, ought to have been decided by the Family Court by considering the judgment of the Full Bench of the Delhi High Court in MAT.APP./(F.C.)111/2025 decided on 17.12.2025, which deals with the factors to be considered while deciding an application under Section 14 of the said Act. My attention is drawn to paragraph 54 and the conclusions recorded in paragraph 57 of the said Full Bench judgment. As such the application under Section 14 of the said Act, has to be decided by considering the said judgment and the legal position as laid down therein.

6. In view of this, the impugned order passed by the Family Court needs to be set aside by directing it to

consider the application afresh, in the light of the aforesaid judgment of Full Bench in MAT.APP./(F.C.)111/2025.

7. Hence, the order dated 12.03.2026 passed by the Family Court, Nagpur, is quashed and set aside. The matter is remitted to the Family Court, for deciding the application under Section 14 bearing Civil M.A. No.18/2026 afresh, after considering the judgment of the Full Bench in MAT.APP./(F.C.)111/2025 referred above.

8. Having regard to the fact that the petitioners have decided to get divorce by mutual consent and in view of the urgency as pointed out by the learned counsel for the petitioner, it is directed that the application under Section 14 of the said Act, be decided at the earliest and preferably within a period of two weeks from the date of uploading of this order.

9. The petitioners are permitted to place on record the affidavits of their parents and other relevant documents in support of their case under Section 14 of the said Act.

10. In view of this, the writ petition is disposed of. No order as to costs.

**(Prafulla S. Khubalkar, J.)**