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Mutual Consent Divorce — Preparation Checklist

This checklist is for preparing a consultation about a possible mutual-consent divorce. The applicable law depends on the marriage and circumstances; this is not a filing form or a substitute for legal advice.

1. Marriage details

- Marriage certificate or other available proof of marriage.
- Date and place of marriage.
- Details of the law under which the marriage was solemnised, where known.
- Current residential addresses and contact details of both spouses.

2. Separation and consent

- A clear timeline of when the spouses started living separately.
- Information showing whether both spouses presently agree to seek divorce.
- Any prior reconciliation/mediation proceedings or relevant records, if applicable.

3. Children

- Names and dates of birth of children, if any.
- Existing custody, visitation or maintenance arrangements, if any.
- Relevant school/medical/financial information where necessary for the proposed arrangement.

4. Financial and property matters

- Information about jointly owned property/assets.
- Relevant loan/liability details.
- Income/financial documents where maintenance or settlement is being discussed.
- Details of any proposed settlement regarding maintenance, property, jewellery/stridhan or other financial issues.

5. Existing legal proceedings

- Copies of any existing family/civil/criminal proceedings involving either spouse that may be relevant.
- Court notices, orders, mediation records or settlement documents.
- Details of any pending complaint or case between the spouses.

6. Important legal point

- Under Section 13B of the Hindu Marriage Act, 1955, the statutory text refers to spouses living separately for one year or more, inability to live together, and mutual agreement to dissolve the marriage.
- The same section provides for the second motion not earlier than six months and not later than eighteen months after presentation of the petition, subject to the statutory conditions.

- Do not assume that the same requirements or procedure apply to every marriage; confirm the applicable law and current court procedure.

Before your consultation

- Bring originals where available and keep copies/scans for your records.
- Arrange documents in date order and keep important notices/orders together.
- Do not share Aadhaar, PAN, bank details, OTPs or passwords through an unsecured website or chat.
- Write down a short timeline of important events, with dates and names of people/organisations involved.

Disclaimer

This checklist is for general informational purposes only and is not legal advice. Documents and requirements can vary depending on the facts, applicable law, court or authority. Do not submit documents solely because they appear on this checklist; confirm what is required for your matter with the relevant authority or a qualified advocate.

Official sources checked for this edition

- India Code — Hindu Marriage Act, 1955, including Section 13B. ■cite■turn0search14■turn0search9■

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