

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

Present: Shri Pravakar Mishra, OSJS (S.B),  
Judge, Family Court, Bhubaneswar.

Civil Proceeding No. 05 of 2014

(Under Section 13 (B) of Hindu Marriage Act, 1955)

Jayanti Mohapatra, aged about 39 years,  
W/o- Nilanchal Mohapatra,  
D/o-Bidyadhar Das,  
At:- Balisahi (Athagadia Lane)  
P.S.-Puri Town,  
Dist-Puri  
At present C/o-R.K. Khuntia  
At-Baragada, Bhubaneswar,  
Dist-Khurda.

..... Petitioner No. 1

AND

Sri Nilanchala Mohapatra, aged about 47 years,  
S/o-Prafulla Kumar Mohapatra,  
At-Balisahi (Athagadia Lane)  
P.S.-Puri Town,  
Dist-Puri.

..... Petitioner No. 2

Date of argument : .2014

Date of judgment: 06.12.2014

J U D G M E N T

The petitioners have filed this application Under Section 13(B) of the Hindu Marriage Act, 1955 for divorce by mutual consent.

2. The case of the petitioners in brief is that their marriage was solemnized as per Hindu customs and tradition on 08.07.2000 and they

have no issue out of their wedlock. Due to differences arose between them which could not be resolved and as such they have been living separately 09.12.2005. Therefore, they have been living separately more than nine year. The petition was filed more than nine months back i.e. on 03.01.2014. It is further averred that several attempts have been made by the family members, friends and well wishers for their reunion but in vain. There was a settlement between the parties in presence of friends, guardians and relatives and as per the settlement petitioner No 2 pay an amount of Rs. 1,00,000/- to the petitioner No. 1 towards her permanent alimony and it was also agreed by both the parties that at any point of time they shall not claim any further alimony from each other. According to them, their consent has not been obtained by exercising fear, force, fraud, coercion or undue influence.

3. Both the petitioners were examined on oath as P.Ws. 1 and 2 respectively. They have stated unanimously that their marriage was solemnized on 08.07.200 according to Hindu rites. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 09.12.2005. Although their friends and relatives tried their best to reunite them, reconciliation was not possible. A chance of reunion was remote and having no other alternative both of them decided to dissolve the marriage by mutual consent.

4. Petitioner No. 1- stated that she has received Rs. 1,00,000/- towards her permanent alimony from petitioner No. 1 and she has no claim of any alimony for past, present and future from the petitioner No. 2. In view of above admission by the petitioner No. 1, she is not entitled to get any further alimony from petitioner No.2. The petition has been filed more than nine months back i.e. on 03.01.2014. Both of them stated on oath that they have been living separately since 09.12.2005 and they have not been able to live together and they have mutually agreed that their marriage should be dissolved. The Court should not

stand bar to their future life. The petition of the petitioners succeeds. Hence, it is ordered;

ORDER

The petition for divorce by mutual consent is allowed. The decree of divorce by mutual consent is hereby passed and the marriage between petitioner No. 1 and petitioner No. 2 is declared dissolved with effect from the date of decree.

JUDGE, FAMILY COURT,  
BHUBANESWAR.

Dictated, corrected by me and is pronounced on this the 6<sup>th</sup> day of December, 2014.

JUDGE, FAMILY COURT,  
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1        Jayanti Mohapatra

P.W.2        Nilanchala Mohapatra

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,  
BHUBANESWAR.