

## IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 102 of 2014

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

Bishnupriya Rath, aged about 26 years,  
W/o- Sanjiv Kumar Mishra,  
D/o- Brajabandhu Rath  
Vill.-Nischintapur, P.O.-Dalakasoti,  
P.S.-Balipatna, Dist-Khurda.

..... Petitioner No. 1

AND

Sanjiv Kumar Mishra, aged about 36 years,  
S/o-Krushna Chandra Mishra,  
Vill.-Giringo, P.S.-Balipatna,  
Dist-Khurda

..... Petitioner No. 2

Date of argument : 22.09.2014

Date of judgment : 22.09.2014

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 10.07.2011 and consummated in the house of the petitioner No.2 and led a happy conjugal life for some days. Due to differences arose between them which could not be resolved and as such they have been living separately since 17.08.2011. Therefore, they have been

living separately more three years. The petition was filed more than six months back i.e. on 19.03.2014. It is further averred that several attempts have been made by the family members, friends and well wishers for their reunion but in vain. It is further stated that there was a settlement between the parties in temple of Mahaveer Temple of Turintra village on 18.04.2013 and as per the settlement petitioner No. 2 has given Rs. 20,000/- and other gift articles to petitioner No. 1 given at the time of marriage and after decree of mutual divorce no party can claim anything against the other party as petitioner No.1 is maintaining herself from her own income and she is not willing to claim permanent alimony from petitioner No.2. As chance of reunion was remote they decided to dissolve the marriage by mutual consent. 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 10.07.2011 according to Hindu rites. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 17.08.2011. 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 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 six months back i.e. on 19.03.2014. Both of them stated on oath that they have been living separately 17.08.2011 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;

O R D E R

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 22<sup>nd</sup> day of September, 2014.

JUDGE, FAMILY COURT,  
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1        Bishnupriya Rath

P.W.2        Sanjiv Kumar Mishra

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,  
BHUBANESWAR.