

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 123 of 2014

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

Ashok Kumar Sahoo, aged about 38 years,
S/o- Harihar Sahoo,
of Vill.-Dash Bidyadharpur, P.S.-Satyabadi,
Dist-Puri.

..... Petitioner No. 1

AND

Laxmi Sahoo, aged about 34 years,
W/o-Ashok Kumar Sahoo,
of Vill.-Dash Bidyadharpur, P.S.-Satyabadi,
Dist-Puri.
At present residing:- C/o-Jayakrushna Sahoo,
Vill.-Balichhak Sahi, Jatni,
Dist-Khurda.

..... 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 04.02.2001 and out of their wedlock one female child namely Diptimayee Sahoo was born. Due to differences arose between them which could not be resolved and as

such they have been living separately 07.09.2005. Therefore, they have been living separately more than nine years. The petition was filed more than six months back i.e. on 04.04.2014. 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 and as per the settlement petitioner No. 1 will return all the material with money along with permanent alimony of Rs. 3,50,000/- to the petitioner No.2 and also the daughter namely Diptimayee Sahoo. It is further averred that both the parties have received their gifts and other articles given at the time of marriage. 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 04.02.2001 according to Hindu rites. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 07.09.2005. 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. 2 stated that she has no claim of any alimony for past, present and future for herself and for her child namely Diptimayee Sahoo from the petitioner No. 1. 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 04.04.2014. Both of them stated on oath that they have been living separately since 07.09.2005 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;

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 and the daughter namely Diptimayee Sahoo will reside with petitioner No.2.

JUDGE, FAMILY COURT,
BHUBANESWAR.

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

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Ashok Kumar Sahoo

P.W.2 Laxmi Sahoo

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.