

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 129 of 2014

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

Sanyasi Ghana, aged about 37 years,
S/o- Late Kirttan Ghana,
Vill./P.O.-Nuabeda,
P.S.-Rouan,
Dist-Mayurbhanja.

..... Petitioner No. 1

AND

Sree Bal, aged about 34 years,
W/o-Sanyasi Ghana,
D/o-Subash Kumar Bal,
Vill./P.O.-Nuabeda,
P.S.-Rouan,
Dist-Mayurbhanja,
Present residing at Plot No. 166,
Jayadurga Nagar, Bomikhal,
P.S.-Budheswari, Bhubaneswar,
P.S.-Laxmisagar, Bhubaneswar,
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 at Plot No. 166, Jayadurganagar, Bomikhal, Bhubaneswar on 12.03.2001 and out of their wedlock one male child namely Krishnakanta was born on 05.01.2007. Due to differences arose between them which could not be resolved and as such they have been living separately 25.05.2010. Therefore, they have been living separately more than five years. The petition was filed more than six months back i.e. on 09.04.2014. 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, their son Krishnakanta shall stay with the petitioner No.2, taking the nourishment and better education of the child. 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 12.03.2006 according to Hindu rites. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 25.05.2010. 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 Krishnakanta 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 09.04.2014. Both of them stated on oath that they have been living separately since 25.05.2007 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 male child namely Krishnakanta 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 Sri Sanyasi Ghana

P.W.2 Sree Bal

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.