

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 134 of 2014

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

Smt. Rojalini Pala, aged about 24 years,
W/o- Sri Santosh Kumar Pala,
D/o-Late Amin Swain,
of Vill./P.O.-Balisuan, P.S.-Marshaghai,
Dist-Kendrapadai,
At present:- At/P.O.-Baliapatana,
P.S.-Balipatana, Dist-Khurda.

..... Petitioner No. 1

AND

Sri Santosh Kumar Pala, aged about 30 years,
S/o-Sanatasn Pala,
At-Rajas (Pala Sahi), P.O.-Rajas,
P.S-Balipatana,
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 12.05.2008 and blessed with a male child namely Babul @ Sabyasachi Pala born on

06.04.2010. Due to differences arose between them which could not be resolved and as such they have been living separately 15.09.2012. Therefore, they have been living separately more than one year. The petition was filed more than one six months back i.e. on 10.04.2014. 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 in presence of friends, guardians and relatives and as per the settlement petitioner No. will return all the articles along with Rs. 1,00,000/- (Rupees one lakh) only to the petitioner No.1 and petitioner No. 1 will compromise the criminal case pending against petitioner No.2 and the father and brother of the petitioner No.2 also withdraw the both cases pending before this case and the son will stay with petitioner No.2. 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 12.05.2008 according to Hindu rites. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 15.09.2012. 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 10.04.2014. Both of them stated on oath that they have been living separately since 15.09.2012 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 6th day of December, 2014.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Smt. Rojalini Pala

P.W.2 Sri Santosh Kumar Pala

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.