

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 170 of 2013

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

Nirjharini Senapati, aged about 24 years,
W/o- Sukanta Kumar Nayak,
D/o-Rudreswar Senapati,
Residing at Kharibil,
P.O.-Eranch, P.S.-Niali,
Dist-Cuttack, Odisha.

..... Petitioner No. 1

AND

Sukanta Kumar Nayak, aged about 24 years,
S/o-Narendra Nayak,
Resident of Shingiri, P.O.-Jhini Sasan,
P.S.-Balipatna, 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 14.03.2010 and blessed with a female child namely. Due to differences arose between them which could not be resolved and as such they have been living

separately 01.03.2012. Therefore, they have been living separately more than two years. The petition was filed more than one year back i.e. on 20.04.2013. It is further averred that several attempts have been made by the family members, friends and well wishers for their reunion but in vain. on 30.03.2012 there was a settlement between the parties in presence Mahila Commission, Odisha that petitioner No. 2 will pay permanent alimony of Rs. 50,000/- in two installments to petitioner No.1 along with property of the petitioner No.1 and as per the settlement on 03.04.2013 petitioner No.1 has already received her properties from petitioner No.2 and Rs. 50,000/- is kept in the account of Mahila Commission, Odisha towards permanent alimony of petitioner No. 1 along with the only girl child and after dissolution of their marriage (mutually) in competent court of law, the petitioner No. 1 will take the said money from the Mahila Commission, Odisha. 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 14.03.2010 according to Hindu rites. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 01.03.2012. 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 one year back i.e. on 08.04.2013. Both of them stated on oath that they have been living separately since 01.03.2012 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 and the only girl child will remain with the petitioner No.1.

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 Nirjharini Senapati

P.W.2 Sukanta Kumar Nayak

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.