

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 171 of 2014

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

Smt. Minati Panda @ Acharya, aged about 40 years,
D/o- Ganeswar Acharya,
W/o-Prashanta Kumar Panda,
At-Acharya Sahi, (Nalibara),
P.O./P.S./Dist-Jagatsinghpur,
At present residing at Plot No. 95/3,
C/o- Dhiren Kumar Acharya,
Sankha Nagar, Sisupalgarh,
P.O.-Sisupalgarh, P.S.-Lingaraj,
Bhubaneswar, Dist-Khurda.

..... Petitioner No. 1

AND

Prashanta Kumar Panda, aged about 44 years,
S/o-Late Narayan Panda,
At-Dighi, P.O.-Iswarpur,
P.S.-Rajnagar,
Dist-Kendrapara.

..... Petitioner No. 2

Date of argument : 26.12.2014

Date of judgment : 26.12.2014

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 facts of the case of the petitioners are that their marriage was solemnized as per Hindu customs and tradition on 13.06.1997. Due to differences arose between them which could not be resolved and they

started living separately since 13.06.1999. The petition was presented before this Court on 05.05.2014. Therefore, they have been living separately more than fifteen years. The petition was filed more than six months back i.e. on 05.05.2014. 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 mutually agreed between the parties, that petitioner No.2 will pay a sum of Rs. 1,80,000/- to the petitioner No.1 towards permanent alimony and for which petitioner No. 2 pay a sum of Rs. 90,000/- in shape of cash to the petitioner No.1 and the rest amount of Rs. 90,000/- will be paid by the petitioner No.2 in favour of the petitioner No. 1 on the date of order of the mutual divorce. It is also mutually agreed between the parties that petitioner No.1 along with her family members co-operate to withdrawn the Criminal Proceeding vide C.R.P. No. 148/2012 pending before this Court against the petitioner No.2.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 13.06.1997 according to Hindu rites. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 13.06.1999. Although their friends and relatives tried their best to reunite them yet 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 already received Rs. 1,80,000/- towards her permanent alimony and she has no claim of any alimony for past, present and future for herself. In view of above admission by the petitioner No. 1, she is not entitled to get any further alimony from petitioner No.2. Petitioner No.1 has further stated that she has filed a separate petition praying to withdraw the Criminal Proceeding vide C.R.P. No. 148/2012 which is pending before this court. The petition

has been filed more than six months back i.e. on 05.05.2014. Both of them stated on oath that they have been living separately since 13.06.1999 and they are not able to live together and they have mutually agreed that their marriage should be dissolved. The Court should not stand as a 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 26th day of December, 2014.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Smt. Minati Panda @ Acharya

P.W.2 Prashanta Kumar Panda

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.