

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 186 of 2014

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

Sri Krushna Chandra Panigrahi, aged about 53 years,
S/o- Late Purusotam Panigrahi,
At-Bikash Nagar,
P.O./P.S.-Jatni,
Dist-Khurda.

..... Petitioner No. 1

AND

Smt. Padmalaya Panigrahi, aged about 50 years,
W/o-Krushna Chandra Panigrahi,
At-Bikash Nagar,
P.O./P.S.-Jatni, Dist-Khurda
At present residing At/P.O.- Late Ramchandra Sahu,
Vill.-Burla (Samalei Nagar),
P.O./P.S.-Burla,
Dist-Sambalpur

..... Petitioner No. 2

Date of argument : 17.11.2014

Date of judgment : 22.11.2014

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 07.06.1982 and out of their wedlock two sons namely Biswanath Panigrahi was born in the year 1983 and Biplaba Keshari in the year 1984. Due to differences arose between them which could not be resolved they started living separately since the year 2011. Therefore, they have been living separately more than two years. The petition was filed more than one six months back i.e. on 14.05.2014. 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 further averred that both the parties have received their gifts, presentation 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 07.06.1982 according to Hindu rites. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since the year 2011. 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 from the petitioner No. 1. In view of above admission by the petitioner No. 2, she is not entitled to get any further alimony from petitioner No.1. The petition has been filed more than six months back i.e. on 14.05.2014. Both of them stated on oath that they have been living separately since the year 2011 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 as a 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 sons will remain in the custody of the petitioner No.2.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Dictated, corrected by me and is pronounced on this the 22nd day of November, 2014.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Sri Krushna Chandar Panigrahi
P.W.2 Smt. Padmalaya Panigrahi

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.