

## IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 199 of 2013

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

Mrs Sidhita Patra, aged about 29 years,  
W/o- Vishwanath Debey,  
At present D/o- Suman Sundar Patra,  
Plot No. N-1/134, IRC Village,  
Post-IRC Village, P.S.-Nayapalli,  
Bhubaneswar, Dist-Khurda.

..... Petitioner No. 1

AND

Mr. Vishwanath Debey, aged about 30 years,  
S/o-Rajdev Dubey,  
Presently working as Software Engineer,  
KPIT Cummins Pvt. Ltd.,  
Plot No. 35 & 36,  
Rajiv Gandhi Info Tec. Park,  
Phase-I, MIDC, Hinjewadi,  
Pune-411057, Maharastra,  
Permanent Address:- Vill. Lakhimpur Khiri,  
Post-Ekma, P.S.-Santha Kabir Nagar,  
Dist-Bast, Utter Predesh.

..... Petitioner No. 2

Date of argument : 22.11.2014

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 in Hotel Mayfair Lagoon, Bhubaneswar on 09.03.2008 and out of their wedlock one male child was born in Usthi Hospital and Research Centre, Bhubaneswar on 23.06.2011. Due to differences arose between them which could not be resolved they started living separately since 19.05.2011. Therefore, they have been living separately more than three 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. It is further averred that there was a settlement between both the parties and as per the settlement petitioner No.1 will return gold ear ring to the petitioner No. 2 and simultaneously petitioner No.2 will return the four wheeler (Ford Figo) bearing registration No. MH14CK-4402 and the two wheeler (Honda Aviator), Laptop, Camera before disposal of the this proceeding and petitioner No.1 shall bear the cost of expenses of the transfer of the vehicle Ford Figo and Aviator to the convenience place of the petitioner No.1 and son Sidhesh Kumar will remain in custody of petitioner No.1 till attains his majority. It is also further decided that petitioner No.2 will pay sum of Rs. 5,00,000/-towards the maintenance and study expenses of minor son Sidesh Kumar in shape of fixed deposit in any Nationalized Bank and the petitioner No.1 will be the nominee of the said deposit as mother guardian and neither petitioner No.1 nor petitioner No.2 will prosecute any criminal case against each other after disposal of the present Civil Proceeding or during pendency of the same. 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 09.03.2008 according to Hindu rites. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 19.05.2011. 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. 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. Petitioner No.2 agreed to deposit Rs. 5,00,000/- by installments within three years in the name of the minor son. They have also mutually agreed that the minor son will reside with petitioner No.1. It is also mutually agreed that petitioner No.1 shall return the gold ornaments gifted to her to the petitioner No.2 after the aforesaid amount being deposited. The petition has been filed more than one year i.e. on 20.04.2013. Both of them stated on oath that they have been living separately since 19.05.2011 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;

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 minor son will remain in the custody of petitioner No.1 till he attains majority.

JUDGE, FAMILY COURT,  
BHUBANESWAR.

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

JUDGE, FAMILY COURT,  
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1            Sidhita Patra

P.W.2            Vishwanath Debey

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,  
BHUBANESWAR.