

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 211 of 2014

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

Sri Suryamani Pradhan, aged about 31 years,
S/o- Late Raghunath Pradhan,
Vill-Manatir, P.O.-Barabati,
P.S.-Dharmasala, Dist-Jajpur.

..... Petitioner No. 1

AND

Smt. Janaki Biswal, aged about 31 years,
W/o-Sri Suryamani Pradhan,
D/o-Alekh Chandra Biswal,
Vill.-Agiria, P.O.-Jambhara,
P.S.-Nandipada, Dist-Keonjhar,
At present residing at Plot No. GL-37,
V.S.S. Nagar, P.S.-Mancheswar,
Bhubaneswar, Dist-Khurda.

..... Petitioner No. 2

Date of argument : 23.12.2014

Date of judgment : 23.12.2014

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 in Sankha Chilla Hingula Mindir in the district of Jajpur on 16.07.2011. Due to differences arose between them which could not be resolved and they started living separately since 13.10.2011. The petition was presented

before this Court on 17.06.2014. Therefore, they have been living separately more than three years. The petition was filed more than six months back i.e. on 17.06.2014. 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.1 will pay a sum of Rs. 4,00,000/- to the petitioner No.2 towards permanent alimony and out of the said amount of Rs. 4,00,000/- the petitioner No.1 shall pay Rs. 2,20,000/- as part payment and the balance amount of Rs. 1,80,000/- shall be paid in two installments i.e. on 30.08.2014 Rs. 80,000/- and on 30.09.2014 Rs. 1,00,000/- towards the said permanent alimony. Accordingly, the petitioner No.1 paid Rs. 2,00,000/- in shape of Demand Draft vide No. 018904 dated 06.06.2014 drawn on Axis Bank, Chandikhole Branch, Chandikhole and Rs. 20,000/- in shape cash to 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 16.07.2011 according to Hindu rites. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 13.10.2011. 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. 2 stated that she has she has no claim of any alimony for past, present and future for herself. 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 17.06.2014. Both of them stated on oath that they have been living separately since 13.10.2011 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 23rd day of December, 2014.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Sri Suryamani Pradhan

P.W.2 Smt. Janaki Biswal

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.