

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 22 of 2014

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

Majore Sidhartha Panda, aged about 29 years,
S/o- Kshetrabasi Panda,
At/P.O.-Pahala, Bhubaneswar,
Dist-Khurda.

..... Petitioner No. 1

AND

Smt. Banani Mohapatra, aged about 28 years,
W/o-Majore Sidhartha Panda,
D/o-Mayadhar Mohapatra,
Resident of Plot No. 738/13,
Jayadev Vihar, Bhubaneswar,
Dist-Khurda.

..... Petitioner No. 2

Date of argument : 16.09.2014

Date of judgment : 16.09.2014

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 09.02.2009 and consummated their marriage at Nayagarh where the petitioner No. 1's father was posted as Principal Training School and after some days they shifted to

Jhansi the service place of the petitioner No.1 and they have no issue out of their wedlock. Due to differences arose between them which could not be resolved and as such they have been living separately since 15.01.2011. Therefore, they have been living separately more than three years. The petition was filed more than eight months back i.e. on 02.01.2014. It is further averred that several attempts have been made by the family members, friends and well wishers for their reunion but in vain. 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 09.02.2009 according to Hindu rites. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately 15.01.2011. 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. 1, she is not entitled to get any further alimony from petitioner No.2. The petition has been filed more than eight months back i.e. on 21.01.2014. Both of them stated on oath that they have been living separately since 15.01.2011 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 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.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Dictated, corrected by me and is pronounced on this the 16th day of September, 2014.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Majore Sidhartha Panda

P.W.2 Smt Banani Mohapatra

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.