

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 229 of 2013

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

Anusaya Behera, aged about 26 years,  
W/o- Rabindra Behera,  
D/o-Babuli Behera,  
Residence of Maa Mangala Basti, Unit-9,  
Road No. 8, P.S.-Kharvelnagar,  
Bhubaneswar, Dist-Khurda  
Resident of Plot No. 42, Padma Complex,  
Madhusudan Nagar, P.S.-Kharvelnagar,  
Bhubaneswar, Dist-Khurda, Odisha

..... Petitioner No. 1

AND

Rabindra Behera, aged about 33 years,  
S/o-Amareswar Behera,  
Resident of vill-Padmapokhari,  
P.O.-Bhodara, P.S.-Nimapara,  
Dist-Puri, Odisha.

..... Petitioner No. 2

Date of argument : 09.09.2014

Date of judgment : 09.09.2014

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 in Maa Mangala Manidir situated at Maa Mangala Basti, Unit-9, Bhubaneswar on 30.07.2009 and consummated in the house of the petitioner No.2 and led a happy conjugal life for one and half months. Due to differences arose between them which could not be resolved and as such they have been living separately since 27.12.2011. Therefore, they have been living separately more than two years. The petition was filed more than one year back i.e. on 07.05.2013. 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 stated that there was a settlement between the parties in presence of local gentries and guardians of both the parties and as per the settlement petitioner No. 2 will return the amount of Rs. 55,000/- and other household articles and Rs. 80,000/- towards full and final alimony to the petitioner No.1 and after that the petitioner No. 1 shall not claim further alimony from petitioner No.2. As chance of reunion was remote they decided to dissolve the marriage by mutual consent. 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 30.07.2009 according to Hindu rites. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 27.12.2011. 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 already received Rs. 55,000/- in shape of cash along with other household articles and Rs. 80,000/- towards

full and final consideration of permanent alimony and further 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. The petition has been filed more than one year back i.e. on 07.05.2013. Both of them stated on oath that they have been living separately 27.12.2011 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;

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 9<sup>th</sup> day of September, 2014.

JUDGE, FAMILY COURT,  
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1          Anusaya Behera

P.W.2          Rabindra Behera

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,  
BHUBANESWAR.