

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 245 of 2013

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

Smt. Khusboo Agarwal, aged about 27 years,
W/o- Sri Piyush Agarwalla,
D/o-Sri Kishan Lal Agarwalla
Resident of L-30/a, OSHB Colony, Phase-I,
Chandrasekharpur, P.S.-Chandrasekharpur,
Bhubaneswar, Dist-Khurda, Pin-751016

..... Petitioner No. 1

AND

Sri Piyush Agarwal, aged about 28 years,
S/o-Ashok Kumar Agarwal,
Resident of E-250, Sector-7, CDA Cuttack,
P.S. Markatnagar, Dist-Cuttack,
Pin-753014.

..... Petitioner No. 2

Date of argument : .2014

Date of judgment: 06.12.2014

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 case of the petitioners in brief is that their marriage was solemnized as per Hindu customs and tradition on 21.01.2011 and consummated in the house of the petitioner No.2. Due to differences arose between them which could not be resolved and as such they have

been living separately 01.11.2011. Therefore, they have been living separately more than two years. The petition was filed more than one year back i.e. on 15.05.2013. It is further averred that several attempts have been made by the family members, friends and well wishers for their reunion but in vain. on 01.05.2013 there was a settlement between the parties and as per the settlement petitioner No. 1 has already received her household articles, all her personal belongings and presentations including gold and silver ornaments and cash of Rs. 4,50,000/- towards permanent alimony from petitioner No. 2 and after that petitioner No. 1 will never claim any further amount or things in future from 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 21.01.2011 according to Hindu rites. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 01.11.2011. 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 for herself. 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 15.05.2013. Both of them stated on oath that they have been living separately since 01.11.2011 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 6th day of December, 2014.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Smt. Khusoboo Agarwal

P.W.2 Sri Piyush Agarwal

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.