

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 247 of 2014

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

Kasturi Sethi, aged about 28 years,
W/o- Prasana Kumar Sethy,
D/o- Late Prafulla Kumar Sethi,
Plot No. N-5/358, IRC Village, P.S.-Nayapalli,
Bhubaneswar, Dist-Khurda.

..... Petitioner No. 1

AND

Sri Prasana Kumar Sethy, aged about 35 years,
S/o- Rama Chandra Sethy,
Resident of D-2, 4th Floor, Bishnupriya Apartment,
Near Biju Pattnaik College, Bhubaneswar-751013,
P.S.-Nayapalli, Dist-Khurda, Odisha.

..... Petitioner No. 2

Date of argument : 27.12.2014

Date of judgment : 27.12.2014

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 Hotel Richi, Bhubaneswar on 17.01.2013 and consummated their marriage. Due to differences arose between them which could not be resolved and they started living separately since 27.02.2013. The petition was presented before this Court on 26.06.2014. Therefore, they have been living

separately more than one year. The petition was filed more than six months back i.e. on 26.06.2014. It is further averred that both parties have exchanged their gift items, household articles and gold ornaments given at the time of marriage. 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 17.01.2013 according to Hindu rites. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 27.02.2013. 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. 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 six months back i.e. on 26.06.2014. Both of them stated on oath that they have been living separately since 27.02.2013 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;

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 27th day of December, 2014.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Kasturi Sethi

P.W.2 Sri Prasana Kumar Sethy

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.