

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 267 of 2013

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

Madhumita Satapathy, aged about 32 years,  
W/o- Sanjaya Kumar Satapathy,  
of Nabinabag, Khurda,  
P.O./P.S./Dist-Khurda.  
At present D/o-GAneswar Satapathy,  
Plot No. 954, Phase-II, Dumuduma Housing Board Colony,  
P.S.-Khandagiri, Bhubaneswar-19, Dist-Khurda.

..... Petitioner No. 1

AND

Sanjaya Kumar Satapathy, aged about 42 years,  
S/o-Jagannath Satapathy,  
Residing at Nabinabag, Khurda,  
P.O./P.S./Dist-Khurda.

..... 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 24.05.2010. Due to differences arose between them which could not be resolved and as such they have been living separately 03.06.2011. Therefore, they have

been living separately more than three years. The petition was filed more than one year back i.e. on 18.05.2013. 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 03.05.2013 there was a settlement between the parties in presence of friends, guardians and relatives of both sides and as per the settlement petitioner No. 2 will give Rs. 3,00,000/- towards life time permanent alimony and Rs. 2,00,000/- towards valuation of presents and articles given at the time of marriage and out of that petitioner No. 1 has already received Rs. 3,00,000/- vide DD No. 668518 dated 07.05.2013 of Canara Bank, Khurda Branch at the time of filing of this present petition and the balance amount of Rs. 2,00,000/- will be paid to petitioner No. 1 in the court on the date of final decree. 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 24.05.2010 according to Hindu rites. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 03.06.2011. 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. 5,00,000/- vide demand drafts No. 668518 dated 07.05.2012 amounting Rs. 3,00,000/- and DD No. 614266 dated 21.10.2014 amounting Rs. 1,50,000/- and cash of Rs. 50,000/- from petitioner No.2 and 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 18.05.2014. Both of them stated

on oath that they have been living separately since 03.06.2011 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 6<sup>th</sup> day of December, 2014.

JUDGE, FAMILY COURT,  
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1        Madhumita Satapathy

P.W.2        Sanjaya Kumar Satapathy

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,  
BHUBANESWAR.