

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 278 of 2013

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

Smt. Bhagyashree Mohanty, aged about 26 years,
W/o- Sri Ambika Prasad Mohanty,
At Plot No. 230 MIG Sector-7, Kalinga Nagar,
P.O.-Ghatikia, P.S.-Khandagiri, Dist-Khurda.
At present-C/o-Bijaya Chandra Mohanty,
Vill-Sunapala, P.O/P.S.-Badamba, Dist-Cuttack.

..... Petitioner No. 1

AND

Sri Ambika Prasad Mohanty, aged about 33 years,
S/o-Sri Abhiram Mohanty,
At Plot No. 230 MIG Sector-7, Kalinga Nagar,
P.O.-Ghatikia, P.S.-Khandagiri,
Dist-Khurda.

..... Petitioner No. 2

Date of argument : 29.09.2014

Date of judgment : 29.09.2014

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 31.05.2009 and after marriage, they led a happy conjugal life for some years and thereafter due to differences arose between them which could not be resolved and

as such they have been living separately 15.02.2012. Therefore, they have been living separately more than two years. The petition was filed more than one year back i.e. on 17.06.2013. It is further averred that several attempts have been made by the family members, friends and well wishers for their reunion but in vain. There was a settlement between the parties in presence of friends, guardians and relatives on 14.10.2012 and 05.05.2013 and as per the settlement petitioner No. 1 will take her household articles which have been given at the time of marriage to petitioner No. 2. It is further averred that both the parties have received their gifts and other articles given at the time of marriage before filing of this case in presence of the family members of both sides. 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 31.05.2009 according to Hindu rites. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 15.02.2012. 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 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 17.06.2013. Both of them stated on oath that they have been living separately since 15.02.2012 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 29th day of September, 2014.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Smt. Bhagyashree Mohanty

P.W.2 Sri Ambika Prasad Mohanty

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.