

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 339 of 2013

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

Swagatika Lenka, aged about 32 years,
W/o- Suresh Chandra Lenka,
D/o-Pradipta Kumar Jena,
At/P.O.-Kotapur, P.S.-Dharmasala, Dist-Jajpur,
At present residing at House No. 491/2417,
UCO Bank Colony, Near Padmapokhari,
Jharapada, P.S.-Laxmisagar, Bhubaneswar.

..... Petitioner No. 1

AND

Suresh Chandra Lenka,
S/o-Late-Bhagirathi Lenka,
Vill-Balabhadrapur (Chunida),
P.S.-Bhadrak (R), Dist-Bhadrak
At-Rajas (Pala Sahi), P.O.-Rajas,
P.S-Balipatana,
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 in Madhuban Marriage

Mandap, at Plot No. 298, Saheednagar, Bhubaneswar on 30.04.2006. Due to differences arose between them which could not be resolved and as such they have been living separately 13.02.2012. Therefore, they have been living separately more than two years. The petition was filed more than one year back i.e. on 08.07.2013. 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 averred that both the parties have received back their gifts and other articles given at the time of marriage and petitioner No.1 has also received a sum of Rs. 49,000/- in shape of draft bearing No. 558718 dated 08.07.2013 drawn on SBI Jagannathpur Branch on 08.07.2013. 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 30.04.2006 according to Hindu rites. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 13.02.2012. 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 08.07.2013. Both of them stated on oath that they have been living separately since 13.02.2012 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 6th day of December, 2014.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Swagatika Lenka

P.W.2 Suresh Chandra Lenka

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.