

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 346 of 2015

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

Manoranjan Sitha, aged about 33 years,
S/o- Radha Mohan Sitha,
Resident of Plot No. 279, 3rd Phase,
Dumduma Housing Board Colony,
Dumduma, P.S.-Khandagiri,
Bhubaneswar, Dist-Khurda.

..... Petitioner No. 1

AND

Rojalin Samal, aged about 30 years,
W/o-Manoranjan Sitha,
D/o- Bijaya Kumar Samal,
At present residing at:- Paradeep Gada,
P.S.-Paradeep Lock, Paradeep,
Dist-Jagatsinghpur, Odisha.

..... Petitioner No. 2

Date of Second Motion : 22.06.2015

Date of Judgment : 22.06.2015

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 on 30.06.2013 and they have no child out of their wedlock. Due to differences arose between them which could not be resolved they started living separately since 08.07.2013. The petition was presented before this Court on 14.08.2014. Therefore, they have been living separately more than one year. It is further averred that there was a settlement between the parties at Bhubaneswar and as per settlement the petitioner No.1 had given two Nos. of cheques bearing Nos. 913792

dated 14.03.2014 of Rs. 4,00,000/- and 913793 dated 30.07.2014 of Rs. 50,000/- to the petitioner No.2 towards her permanent alimony. It is also averred that both the parties have exchange their gifts and other articles 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 all were 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 according to Hindu rites on 30.06.2013. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 08.07.2013. 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. 2 stated that she has no other claim of any alimony for past, present and future for herself. In view of above admission by the petitioner No. 2, she is not entitled to get any further alimony from petitioner No.1. Both of them stated on oath that they have been living separately since 08.07.2013 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 22nd day of June, 2015.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Manoranjan Sitha

P.W.2 Rojalin Samal

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.