

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 362 of 2013

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

Saraswati Behera, aged about 25 years,  
S/o- Kashinath Behera,  
W/o-Susanta Kumar Kabi,  
of Vill.-Rahamba, Post-Postal,  
Dist-Cuttack  
At present residing at Plot No. 508, Unit-IX Flat,  
Post-Bhoinagar, P.S.-Sahidnagar,  
Bhubaneswar-22, Dist-Khurda.

..... Petitioner No. 1

AND

Susanta Kumar Kabi, aged about 36 years,  
S/o- Sitanath Kabi,  
of Vill-Danda Haripur, P.O.-Kharianga,  
P.S.-Barachana, Dist-Jajpur,  
At present residing at Qrs. No. C/10, At/P.O.-Tensa,  
P.S.-Lahunipada, Dist-Sundargarh,  
Odisha-770042.

..... Petitioner No. 2

Date of argument : 22.11.2014

Date of judgment : 22.11.2014

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 Sahid Nagar Kalyan

Mandap, Bhubaneswar on 21.11.2011. Due to differences arose between them which could not be resolved they started living separately since 07.12.2011. Therefore, they have been living separately more than four years. The petition was filed more than one year back i.e. on 19.07.2013. 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 on 24.06.2013 there was a settlement between both the parties before Odisha State Commission for Women at Bhubaneswar and as per the settlement petitioner No.2 on 12.07.2013 refunded all the belonging of petitioner No.1 along a cheque bearing No. 002002 of SBI, Tensa amounting to Rs. 50,000/- towards her Stridhan which has been given by her father at the time of marriage and petitioner No.2 has also paid Rs. 1,50,000/- bearing D.D. No. 002211 dated 11.07.2013 of HDFC Bank Ltd. towards the permanent alimony of petitioner No.1 which is now kept with the Odisha State Commission For Women at Bhubaneswar. 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 21.11.2011 according to Hindu rites. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 07.12.2011. 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 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 19.07.2013. Both of them stated on oath that they have been living separately since 07.12.2011 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 as a 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 22<sup>nd</sup> day of November, 2014.

JUDGE, FAMILY COURT,  
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1           Saraswati Behera

P.W.2           Susanta Kumar Kabi

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,  
BHUBANESWAR.