

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 378 of 2014

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

Pasanta Kumar Digal, aged about 35 years,
At/P.O.-Bakingia,
P.S.-Raikia,
Dist-Kandhamal,
At present-Bharatpur Basti,
P.O.-Bharatpur, P.S.-Khandagiri,
Bhubaneswar, Dist-Khurda.

..... Petitioner No. 1

AND

Smt. Ribika Digal @ Pradhan, aged about 32 years,
W/o- Prasanta Kumar Diga,
D/o-Late Abhiram Pradhan
At/P.O.-Bharatpur Basti,
P.S.-Khandagiri, Bhubaneswar,
Dist-Khurda.

..... Petitioner No. 2

Date of Argument : 02.03.2015

Date of Judgment: 02.03.2015

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 in the house of the

petitioner No.2 at Bharatpur, Bhubaneswar in the district of Khurda on 15.12.1999 and out of their wedlock one male and female child were born on 15.07.2003 and 11.02.2005 respectively. Due to differences arose between them which could not be resolved they started living separately since 25.06.2005. The petition was presented before this Court on 30.05.2014. The petition was filed more than six months i.e. on 30.05.2014. Therefore, they have been living separately more than eight years. It is further averred that several attempts have been made by the family members, friends and well wishers for their reunion but 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 on 15.12.1999 according to Hindu rites and out of their wedlock one male and female child were born on 15.07.2003 and 11.02.2005. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 25.06.2005. It is further agreed between the parties that the male and female child will reside with petitioner No.2 and the petitioner No.1 will pay Rs. 3,000/- per month towards their maintenance to the petitioner No.2. 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 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 25.06.2005 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 and the male and female child will reside with petitioner No.2 and the petitioner No.1 is directed to pay monthly maintenance of Rs. 3,000/- to the petitioner No.2 towards their maintenance.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Dictated, corrected by me and is pronounced on this the 2nd day of March, 2015.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Prasanta Kumar Digal

P.W.2 Smt. Ribika Digal

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.