

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 418 of 2013

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

Bishnupriya Rath, aged about 43 years,
W/o- Rajkishore Tripathy,
D/o- Brajabandhu Rath,
Plot No. 878, Jogeswarpatna,
Kapilaprasad, Bhubaneswar,
Dist-Khurda.

..... Petitioner No. 1

AND

Rajkishore Tripathy, aged about 45 years,
S/o-Late Pravakar Tripathy,
At/P.O.-Trilochanpur, P.S.-Kanasa,
Dist-Puri, Odisha.

..... Petitioner No. 2

Date of argument : 27.08.2014

Date of judgment : 27.08.2014

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 Radhakrushna Mandir, Bayababa Matha Lane, Bhubaneswar on 08.09.2011 and their marriage has

not been consummated. They have not led a happy conjugal life. They have no issue out of their wedlock. Some days after the marriage, differences arose between them which could not be resolved and as such they have been living separately since 10.07.2011. Therefore, they have been living separately more than three years. The petition was filed more than one year back i.e. on 14.08.2013. 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 stated that both parties have exchanged their presentation and gift articles given at the time of marriage. As chance of reunion was remote they decided to dissolve the marriage by mutual consent. 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 08.09.2011 according to Hindu rites. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 10.07.2011. 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 towards her permanent alimony. 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 14.08.2013. Both of them stated on oath that they have been living separately 10.07.2011 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 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 27th day of August, 2014.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Bishnupriya Rath

P.W.2 Rajkishore Tripathy

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.