

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 428 of 2013

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

Ramakanta Sethi, aged about 30 years,  
S/o- Manamohan Sethi,  
Permanent resident of vill.-Era, P.O.-Purusottampur,  
P.S.-Sadar Kendrapara, Dist-Kendrapara,  
Pin.-754212  
At present Flat No. 401, Shanti Mansion Apartment,  
Nageswar Tangi, P.S.-Lingaraj,  
Bhubaneswar-751009, Dist-Khurda.

..... Petitioner No. 1

AND

Ranjita Kumari Sethi, aged about 28 years,  
W/o-Ramakanta Sethi,  
D/o-Bijaya Kumar Sethi,  
Permanent resident of At/P.O.-Dihapadhala,  
Dist-Ganjam, Pin-761118,  
At present-Plot No. 9/1163, Khandagiri Bari,  
Maruti Village, P.O./P.S.-Khandagiri,  
Bhubaneswar-751013, Dist-Khurda.

..... Petitioner No. 2

Date of argument : 10.09.2014

Date of judgment : 10.09.2014

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 PPL Officers Club, Paradeep

in the district of Jagatsinghpur on 12.03.2012 and consummated in the house of the petitioner No.1 and led a happy conjugal life for two months. Due to differences arose between them which could not be resolved and as such they have been living separately since 15.05.2012. Therefore, they have been living separately more than one year. The petition was filed more than one year back i.e. on 16.08.2013. 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 there was a settlement between the parties on 21.07.2013 at Sri Ram Temple, Unit-1, Bhubaneswar and as per the settlement both parties have exchanged their presentation and gift articles given at the time of marriage on 31.07.2013 and petitioner No.1 will pay one time permanent alimony of Rs. 6,00,000/- to petitioner No.2 in two phases and as per the settlement petitioner No.1 has already paid Rs. 3,00,000/- to petitioner No.2 vide Demand Draft No. 005726 dated 16.08.2013 issued by HDFC Bank, Saheednagar Branch, Bhubaneswar and petitioner No.1 undertakes that on the final date of hearing he will balance permanent alimony of Rs. 3,00,000/- in shape of Demand Draft to petitioner No.2. If petitioner No.1 will not pay the said amount, petitioner No.2 has every right to cancel the present application for mutual divorce and issue cases against the petitioner No.1 for realization of the amount. 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 12.03.2012 according to Hindu rites. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 15.05.2012. 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. 2- stated that she has already received Rs. 6,00,000/-in shape to two Demand Drafts vide Demand Draft No. 005726 dated 16.08.2013 of Rs. 3,00,000/- and Demand Draft No. 035449 dated 09.09.2014 of Rs. 3,00,000/- towards full and final consideration of permanent alimony and further she has no claim of any alimony for past, present and future from the petitioner No. 1. In view of above admission by the petitioner No. 2, she is not entitled to get any further alimony from petitioner No.1. The petition has been filed more than one year back i.e. on 16.08.2013. Both of them stated on oath that they have been living separately 15.05.2012 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 10<sup>th</sup> day of September, 2014.

JUDGE, FAMILY COURT,  
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1            Ramakanta Sethi

P.W.2            Ranjita Kumari Sethi

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,  
BHUBANESWAR.