

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 466 of 2014

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

Sanat Kumar Swain, aged about 35 years,
S/o- Nirmal Chandra Swain,
Resident of Sri Hari Nagar, 3rd Lane, Near, Jaleswar Khandi,
At/P.O.-Ankuli, Berhampur-763010,
Dist-Ganjam.

..... Petitioner No. 1

AND

Sangita Bisoyi, aged about 31 years,
W/o- Sanat Kumar Swain,
D/o-Haribandhu Bisoyi,
Resident of Sri Hari Nagar, 3rd Lane, Near Jaleswar Khandi,
At/P.O.-Ankuli, Berhampur-763010,
Dist-Ganjam,
Presently residing at Plot No. 211/212,
Satyanagar Panjabi Colony,
P.S.-Kharavelnagar, Bhubaneswar,
Dist-Khurda.

..... Petitioner No. 2

Date of Second Motion : 16.04.2015

Date of Judgment : 16.04.2015

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 Kalyan Mandap, Orissa Association for Blind, Near Big Bazar in front of PHD I.B. Guest House,

Unit-3, Bhubaneswar on 08.12.2008. Due to differences arose between them which could not be resolved they started living separately since March, 2012. The petition was presented before this Court on 14.10.2014. The petition was filed more than six months i.e. on 14.10.2014. Therefore, they have been living separately more than two years. It is further averred by the petitioners that they have exchanged their good given at the time of marriage and have no claim against each other. 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 08.12.2008 according to Hindu rites. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since March, 2012. It is further averred by the petitioners that they have exchanged their good given at the time of marriage and have no claim against each other. 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 as could not live together anymore.

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 alimony from petitioner No.1. Both of them stated on oath that they have been living separately since March, 2012 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;

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 16th day of April, 2015.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Sanat Kumar Swain

P.W.2 Sangita Bisoyi

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.