

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 47 of 2014

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

Abantika Mohanty, aged about 27 years,
W/o- Abhijeet Mohanty,
At Plot No. 95, Bapuji Nagar,
P.S.-Capital, Bhubaneswar,
Dist-Khurda.
At present 895, HSR Layout, 25th Lane,
9th Cross, Bangalore, Karnatak

..... Petitioner No. 1

AND

Abhijeet Mohanty, aged about 33 years,
S/o-B.K. Mohanty,
At-Plot No. 154, Saheednagar, Bhubaneswar,
At present-168-HSR Layout, 6th Cross,
Bangalore, Karnatak.

..... Petitioner No. 2

Date of argument : .2014

Date of judgment: 06.12.2014

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 Hotel Swasti Premium, Bhubaneswar on 23.01.2011 and they have no issue out of their

wedlock. After marriage both the parties have registered their marriage before Deputy Commissioner, B.M.C vide registration No. 3966 of 27.01.2012. After solemnization of marriage, both the couple live together as husband and wife in the house of the petitioner No. 2 and thereafter shifted to Bangalore and lived there till 30.01.2012. Due to differences arose between them which could not be resolved and as such they have been living separately 30.01.2012. Therefore, they have been living separately more than two years. The petition was filed more than one six months back i.e. on 07.02.2014. It is further averred that several attempts have been made by the family members, friends and well wishers for their reunion but in vain. There was a settlement between the parties that no further objection is entertainable from either side i.e. neither the husband nor the wife can raise any claim for anything and the wife petitioner No.1 declares that after dissolution of marriage, she will not claim for any permanent alimony or for any interim maintenance or for any financial compensation from the husband petitioner No.2. Similarly, the husband-petitioner No.1 will not raise any claim on the wife-petitioner No.2 relating to this matter after dissolution of marriage. 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 23.01.2011 according to Hindu rites. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 30.01.2012. 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. 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 six months back i.e. on 07.02.2014. Both of them stated on oath that they have been living separately since 30.01.2012 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 6th day of December, 2014.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Abantika Mohanty

P.W.2 Abhijeet Mohanty

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.