

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 474 of 2014

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

Sanjy Kumar Kar, aged about 30 years,
S/o- Subasha Chandra Kar,
At-Nanpur, P.O.-Thanual, Via-Haridaspur,
P.S.-Dharmasala, Dist-Jajpur,
Presently residing at Plot No. 36, Road No. 12,
Mahavir Nagar, Samantarapur,
Bhubaneswar, Dist-Khurda.

..... Petitioner No. 1

AND

Pragnya Paramita Das aged about 24 years,
W/o- Sanjay Kumar Das,
D/o-Pradeep Kumar Das,
At-Lingipur, Sisupalgada,
P.S.-Old Town, 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 on 24.06.2012. Due to differences arose between them which could not be resolved they started living separately since 12.08.2013. The petition was presented

before this Court on 15.10.2014. The petition was filed more than six months i.e. on 15.10.2014. Therefore, they have been living separately more than one year. It is further averred by the petitioners that there was settlement between the parties and as per the said settlement petitioner No.1 will paid Rs. 1,50,000/- to the petitioner No.2 towards her permanent alimony and both petitioners 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 24.06.2012 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 as per the settlement between them, petitioner No. 2 has already received Rs. 1,50,000/- from petitioner No.1 vide demand draft No. 564049 dated 13.04.2015 and both parties 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 12.08.2013 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 Sanjay Kumar Kar

P.W.2 Pragnya Paramita Das

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.