

## IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 478 of 2014

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

Rashmirekha Panigrahi, aged about 33 years,  
W/o-Debajit Sarangi,  
D/o- Jyana Ranjan Panigrahi,  
HIG-36, Kanan Vihar, Phase-1, Patia,  
Bhubaneswar, Dist-Khurda.  
At present Qrs. No. B/13, Sector-3,  
NALCO Township, Damanjori,  
Dist-Koraput.

..... Petitioner No. 1

AND

Debajit Sarangi, aged about 36 years,  
S/o- Kamadev Sarangi,  
HIG-36, Kanan Vihar, Phase-1, Patia,  
Bhubaneswar, Dist-Khurda

..... Petitioner No. 2

Date of Second Motion : 18.04.2015

Date of Judgment : 18.04.2015

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 Municipal Kalyan Mandap, Chandrasekharapur, Patia, Bhubaneswar on 20.07.2010. Due to

differences arose between them which could not be resolved they started living separately since the third week of July, 2011. The petition was presented before this Court on 17.10.2014. The petition was filed more than six months i.e. on 17.10.2014. Therefore, they have been living separately more than three years. It is further averred that there was a settlement between them and as per the said settlement the petitioner No.2 shall pay Rs. 2,00,000/- to the petitioner No.1 towards her permanent alimony and also he will return all the articles received from the family members of the petitioner No. 1 at the time of marriage and thereafter petitioner No.1 shall not have any further claim, whatsoever against the petitioner No.2 on any account. 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 20.07.2010 according to Hindu rites. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since third week of July, 2011. 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.

4. Petitioner No. 1 stated that she has received Rs. 2,00,000/- towards her permanent alimony and also received the articles given at the time of marriage from petitioner No.2 and she has no other claim of any alimony for past, present and future for herself. In view of above admission by the petitioner No. 1, she is not entitled to get any further

alimony from petitioner No.2. Both of them stated on oath that they have been living separately since third week of July, 2011 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;

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 18<sup>th</sup> day of April, 2015.

JUDGE, FAMILY COURT,  
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Rashmirekha Panigrahi

P.W.2 Debajit Sarangi

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,  
BHUBANESWAR.