

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 488 of 2014

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

Ashutosh Mishra, aged about 38 years,
S/o-Rama Chandra Mishra,
Plot No. HIG-2/95, Lane No.5, Satyasai Enclave,
P.S.-Khandagiri, Bhubaneswar,
Dist-Khurda.

..... Petitioner No. 1

AND

Monalisa Mishra, aged about 31 years,
D/o- Uma Sankar Mishra,
W/o-Ashutosh Mishra,
Resident of Qrs. No. Type-V-4,
Geosurvey Enclave, Baramunda,
P.S.-Nayapalli, Bhubaneswar,
Dist-Khurda.

..... Petitioner No. 2

Date of Second Motion : 23.04.2015

Date of Judgment : 23.04.2015

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 Bhubaneswar on 06.12.2004 and they have no issue out of their wedlock. Due to

differences arose between them which could not be resolved they started living separately since 03.11.2009. The petition was presented before this Court on 22.10.2014. The petition was filed more than six months i.e. on 22.10.2014. Therefore, they have been living separately more than four years. It is further averred by the petitioners that they 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 06.12.2004 according to Hindu rites. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 03.11.2009. 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. 2 stated that she has no other 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 further alimony from petitioner No.1. Both of them stated on oath that they have been living separately since 03.11.2009 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 23rd day of April, 2015.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Ashutosh Mishra

P.W.2 Monalisa Mishra

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.