

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 491 of 2013

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

Sri Satyajit Bhuyan, aged about 38 years,  
S/o- Dr. Sukadev Bhuyan,  
At Plot No. 464, Sector-V,  
Niladri Vihar, Chandrasekharapur,  
Bhubaneswar, Dist-Khurda.

..... Petitioner No. 1

AND

Smt. Sushree Sangita Nanda, aged about 31 years,  
W/o-Satyajit Sangita Bhuyan,  
D/o-Santosh Kumar Nanda,  
At-Plot No. 14, V.I.P. Colony, Ekamra Nagar,  
Nayapalli, Bhubaneswar, Dist-Khurda.

..... Petitioner No. 2

Date of argument : 16.09.2014

Date of judgment : 16.09.2014

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 on 29.04.2005 and after marriage they also registered their marriage before Marriage Officer, Bhubaneswar and out of their wedlock one son namely Satvik Shreyan Bhuyan was born on 08.04.2007. Due to differences arose between them

which could not be resolved and as such they have been living separately since 31.05.2010. Therefore, they have been living separately more than four years. The petition was filed more than eleven months back i.e. on 20.09.2013. It is further averred that several attempts have been made by the family members, friends and well wishers for their reunion but in vain. It is further stated that there was a settlement between the parties and as per the settlement petitioner No.1-husband shall pay a sum of Rs. 5,00,000/- to the respondent No.2-wife through a demand draft towards permanent alimony on the date of passing of the decree for divorce on mutual consent. The child, Satvik Shreyan Bhuyan, shall remain with petitioner No. 2 but the petitioner No. 1 undertakes to provide Rs. 10,000/- per month commencing from the date of decree towards maintenance and educational expenses of the son. He also undertakes to support the petitioner No.2 in the matter of better up bringing of the son. He also undertakes to provide reasonable amount in lump-sum according to his capacity at the time of provision of the higher technical education of the son. It is also agreed that the petitioner No. 2 will render proper account thereof to be verified by the petitioner No. 1 regarding its proper utilization. The petitioner No. 2 if employed will also contribute to the requirement of said lump-sum. Both the parties agreed to get separated from each other and led their respective own individual life in the manner they like and neither party will create any hindrance in such life style nor any of them will have any claim/stake over the others assets through attributes of any manner whatsoever. The petitioner No. 1-husband will have and the petitioner No. 2 will permit the petitioner No.1 to have a right of visitation to the son. He can also keep his son with him for some days during the holidays/vacation. He will be spending at least one day per week with his son at his residence. Both of them undertake to safeguard the well being of the son without resorting to a rigid and egoistic approach to the above arrangement by keeping in view of the education, competition and other co-curricular activities of the son. Both undertake and declare that

different proceeding pending in different courts will either be withdrawn/abandoned/stand closed by virtue of this decree of divorce on mutual consent. The lands in Andilo and Mandanpur measuring Ac. 092 decimals and Ac. 057 ½ respectively purchased by the petitioner in the name of the petitioner No.2, which has been bequeathed in favour of the son, Satvik Shreyan vide Registered will No. 1081305697 dated 22.03.2013, should not be dealt with by any party except for the compelling needs in connection with welfare of the son. The petitioner No.1 also undertakes to hand over the originals of the two sale deeds, which are retained by him, to the petitioner No.2 on the date of grant of mutual divorce.. As chance of reunion was remote they decided to dissolve the marriage by mutual consent. 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 29.04.2005 according to Hindu rites. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 31.05.2010. 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. 2- stated that she has no claim of any alimony for past, present and future from the petitioner No. 1. In view of above admission by the petitioner No. 2, she is not entitled to get any further alimony from petitioner No.1. The petition has been filed more than eleven months back i.e. on 20.09.2013. Both of them stated on oath that they have been living separately 31.05.2010 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 and the son will remain in the custody of the petitioner No.2.

JUDGE, FAMILY COURT,  
BHUBANESWAR.

Dictated, corrected by me and is pronounced on this the 16<sup>th</sup> day of September, 2014.

JUDGE, FAMILY COURT,  
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1        Sri Satyajit Bhuyan

P.W.2        Smt. Sushree Sangita Nanda

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,  
BHUBANESWAR.