

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 548 of 2013

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

Subhangi Rath, aged about 28 years,
D/o- Sudhansu Sekhar Rath,
W/o- Sri Saumendra Dash,
Residing at Plot No. 62, Som Vihar,
Saleswar, P.O.-Jayapur, Bhubaneswar,
Dist-Khurda.

..... Petitioner No. 1

AND

Saumendra Das, aged about 33 years,
S/o-Late Sudarshan Dash,
HIG-69, Kanan Vihar, Phase-I,
Bhubaneswar, Dist-Khurda.

..... Petitioner No. 2

Date of argument : 26.08.2014

Date of judgment : 26.08.2014

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 11.12.2009 at Bhubaneswar and consummated at the residence of the petitioner No.1. They have led a happy conjugal life for four months. Thereafter differences arose

between them which could not be resolved and as such they have been living separately since 16.01.2011. Therefore, they have been living separately more than three years. The petition was filed more than ten months back i.e. on 23.10.2013. 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 both parties have exchanged their presentation and gift articles given at the time of marriage. 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 in oath as P.Ws. 1 and 2 respectively. They have stated unanimously that their marriage was solemnized on 11.12.2009 according to Hindu rites. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 16.01.2011. 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-wife in her evidence has stated that she has already received Rs. 3,50,000/- in shape of bank draft bearing No. 016766 drawn on IDBI Bank, Satyanagar Branch, Bhubaneswar and she has no claim of any alimony for past, present and future from the petitioner No. 2 towards her permanent alimony. 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 ten months back i.e. on 23.10.2013. The petitioners are in the prime period of their youth. Both of them stated on oath that they have been living separately 16.01.2011 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 26th day of August, 2014.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Subhangi Rath

P.W.2 Saumendra Dash

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.