

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 86 of 2014

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

Sri Biplab Patra, aged about 36 years,
S/o- Sri Bishnu Charan Patra,
At-Aparna nagar, P.O.-Naya Bazar,
P.S.-Chaulaganj, Cuttack,
Dist-Cuttack.
At present residing at Plot No. 504/1912,
2nd Floor, Kanan Vihar, Phase-II, Bhubaneswar,
Odisha.

..... Petitioner No. 1

AND

Smt. Sucharita Das, aged about 28 years,
W/o-Sri Biplab Patra,
D/o-Sri Nabin Kishore Das,
Presently residing at Plot No. 782, Jayadev Vihar,
Lane-3, P.O.-RRL, P.S.-Nayapalli,
Bhubaneswar, Dist-Khurda,
Odisha.

..... Petitioner No. 2

Date of argument : 29.09.2014

Date of judgment : 29.09.2014

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 in Hotel Mayfair Lagoon, Jayadev Vihar, Bhubaneswar on 19.02.2010 and after marriage, both the

petitioners went to the house of the petitioner No. 1 at Aparna Nagar, P.O.-Naya bazaar, P.S.-Chauliaganj, Cuttack and after staying there till end of the February 2010, both of the petitioners shifted to a rented house at Sailashree Vihar, Bhubaneswar and consummated marital life there and they have no child out of their wedlock. They led a happy conjugal life for some months and thereafter due to differences arose between them which could not be resolved and as such they have been living separately 11.12.2011. Therefore, they have been living separately more than three years. The petition was filed more than six months back i.e. on 04.03.2014. It is further averred that several attempts have been made by the family members, friends and well wishers for their reunion but in vain. There was a settlement between the parties and as per the settlement petitioner No. 1 undertakes to pay permanent alimony of Rs. 20,00,000/- in shape of D.D/Banker's cheque drawn in favour of the petitioner No. 2 and petitioner No.1 has already given Rs. 10,00,000/- on the date of filing vide Demand Drafts No. 302068 and 302069 of the State Bank of India, Jayadev Vihar, Branch, Bhubaneswar on 18.02.2014 and Rs. 5,00,000/- on the date of 1st conciliation and Rs. 5,00,000/- on the date of final hearing of this case. It is further mutually agreed between the parties that they will also not pursue any litigation (Civil/Criminal/etc.) against each other out of their marriage in future and the petitioner No.2 shall withdraw the criminal case No. 352/2013 pending before the Court of the SDJM, Bhubaneswar in lieu of the above mutual settlement them. It is further averred by the both the parties that either petitioners shall not claim or demand anything (movable or immovable property, etc) from the other in future. It is further averred that both the parties have received their gifts and other articles given at the time of marriage before filing of this case in presence of the family members of both sides. 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 19.02.2010 according to Hindu rites. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 11.12.2011. 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. 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.2. The petition has been filed more than six months back i.e. on 04.03.2014. Both of them stated on oath that they have been living separately since 11.12.2011 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;

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 29th day of September, 2014.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Sri Biplab Patra
P.W.2 Smt. Sucharita Das

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.