

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 94 of 2014

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

Debabrata Dhirdeo, aged about 41 years,  
S/o- Prasana Kumar Dhirdeo,  
Resident of Vill.-Singara, Balarampurgarh,  
P.O.-Balarampur, Talagarh,  
Via/P.S-Dharmasala, Dist-Jajpur, Odisha

..... Petitioner No. 1

AND

Smt. Supriya Dhirdeo, aged about 34 years,  
W/o-Debabrata Dhirdeo,  
D/o-Madhab Chandra Das,  
At present residing at Krishna Enclave,  
Phase-IV, Extn. Duplex No.7,  
Plot No.-516/1779, P.O.-KIIT,  
P.S.-Infocity, Bhubaneswar,  
Dist-Khurda, Odisha

..... 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 27.01.2004 and consummated in the house of the petitioner No.1 and led a happy conjugal

life for some days. Due to differences arose between them which could not be resolved and as such they have been living separately since 15.06.2012. Therefore, they have been living separately more than two years. The petition was filed more than six months back i.e. on 12.03.2014. It is further averred that several attempts have been made by the family members, friends and well wishers for their reunion but in vain. It is further stated that there was a settlement between the parties and as per the settlement petitioner No. 1 has already given one account payee cheque of State Bank of India, Hal Township, Ojhar, Nasik bearing cheque No. 408809 dated 07.03.2014 amounting Rs. 6,50,000/- having IFC Code No. SBIN0001196 in favour of the petitioner No. 2 and after receiving the cheque petitioner No. 2 also issued one money receipt to that effect. 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 27.01.2004 according to Hindu rites. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 15.06.2012. 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 already received Rs. 6,50,000/- and further 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 six months back i.e. on 12.03.2014. Both of them stated on oath that they have been living separately 15.06.2012 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 16<sup>th</sup> day of September, 2014.

JUDGE, FAMILY COURT,  
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1          Debabrata Dhirdeo

P.W.2          Smt. Supriya Dhirdeo

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,  
BHUBANESWAR.