

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 96 of 2013

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

Smt. Sushama Pradhan, aged about 30 years,
W/o- Rabindra Kumar Mallick,
of village-Billabadi, P.S.-Sudrukumpa,
Dist-Kandhamala.
At present Smruti village, Palasuni,
P.S.-Mancheswar,
Dist-Khurda.

..... Petitioner No. 1

AND

Sri Rabindra Kumar Mallick, aged about 35 years,
S/o-Haribandhu Mallick,
of village-Billabadi, P.S.-Sudrukumpa,
Dist-Kandhamal.
At present working as Asst. Manager, LIC,
At/P.O./P.S.-Chirkunda,
Dist-Dhanbad.

..... 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 16.01.2007 and they have

not consummated their marriage. After three days of marriage, differences arose between them which could not be resolved and as such they have been living separately since 20.01.2007. Therefore, they have been living separately more than seven years. The petition was filed more than one year back i.e. on 01.03.2013. 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 16.01.2007 according to Hindu rites. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 20.01.2007. 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 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 one year back i.e. on 01.03.2013. The petitioners are in the prime period of their youth. Both of them stated on oath that they have been living separately 20.01.2007 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 Smt. Sushama Pradhan

P.W.2 Rabindra Kumar Mallick

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.