

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 115 of 2013

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

Sri Purna Chandra Behera, aged about 31 years,
S/o- Bharat Chandra Behera,
Permanent resident of Plot No. 218,
Sameigadia, P.O.-Rasulgarh,
P.S.-Mancheswar, Bhubaneswar,
Dist-Khurda.

..... Petitioner No. 1

AND

Smt. Pranati Das, aged about 30 years,
W/o- Sri Purna Chandra Behera,
D/o- Nanda Kishore Das,
Permanent resident of village-Singhapur,
P.O.-Eradangantara, P.S.-Pattamundai,
Dist-Kendrapada,
At present residing over plot No. 3264/3265,
Chakeisihani, P.S.-Mancheswar,
Bhubaneswar, Dist-Khurda.

..... Petitioner No. 2

Date of argument : 05.08.2014

Date of judgment : 05.08.2014

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 29.01.2007 and out of their wedlock one female child namely Priyanka Priyadarshini was born at Kar Clinic and Hospital Bhubaneswar on 17.10.2008. Thereafter differences arose between them which could not be resolved and as such they have been living separately since 19.10.2008. Therefore, they have been living separately more than five years. The petition was filed more than one year back i.e. 12.03.2013. 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 averred that there was a compromise between the parties in presence of local gentries and as per the compromise petitioner No. 1 has refunded back the belongings on 20.11.2011, which were acknowledged by the petitioner No. 2 and her mother and as per decision of the local gentries all the responsibilities of the daughter Priyanka Priyadarshani will be borne by the petitioner No.1 i.e. education, marriage. Under no circumstances, Priyanka Priyadarshani should be neglected by both the petitioners and she should not be deprived of all sort of benefits/facilities etc. from the petitioner No. 1 as a minor child. Then the petitioner No. 1 is bound to allow his daughter Priyanka Priyadarshani to her mother at Plot No. 3264/3265, Chakesihani, P.S. Mancheswar, Bhubaneswar, Dist-Khurda every Sunday and Holidays without affecting her education for a period of one or two days failing which the suitable action may be lodged by the petitioner No. 2 against the petitioner No. 1 before the legal authorities. 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 29.01.2007 according to Hindu rites and customs. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 19.10.2008. 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-wife in her evidence has stated that she will obey all the norms and conditions of compromise petitioner executed between them on 20.11.2011 and she has further stated that she no claim of any maintenance from petitioner No.1. The petition has been filed more than one year back i.e. on 12.03.2013. The petitioners are in the prime period of their youth. Both of them stated on oath that they have been living separately 19.10.2008 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 5th day of August, 2014.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Sri Purna Chandra Behera.

P.W.2 Smt. Pranati Das.

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.

