

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 121 of 2013

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

Jnana Ranjan Mohapatra, aged about 33 years,
S/o- Duryodhan Mohapatra,
Resident of At/P.O.-Kasarda,
P.S.-Niali, Dist-Cuttack.

..... Petitioner No. 1

AND

Deepanjali Mishra, aged about 25 years,
W/o- Jnana Ranjan Mohapatra,
Resident of At-L-IV-257, 4th Phase,
Dumuduma Housing Board, Colony,
P.O- Dumuduma, P.S.-Khandagiri,
Dist-Khurda.

..... Petitioner No. 2

Date of argument : 11.08.2014

Date of judgment : 11.08.2014

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 in Sradha Mandap, Vani Vihar campus at Bhubaneswar on 06.03.2011 and they have no child out of their wedlock.

They have led a happy conjugal life for some days. Thereafter differences arose between them which could not be resolved and as such they have been living separately since 24.06.2011. Therefore, they have been living separately more than three years. The petition was filed more than one back i.e. 13.03.2013. It is further averred that both parties have exchanged their presentation and gift articles given at the time of marriage and petitioner No. 1 had also paid Rs. 1,50,000/- to petitioner No. 2 in shape of bank draft towards her permanent alimony on 13.03.2013. It is further averred that several attempts have been made by the family members, friends and well wishers for their reunion but in vain. 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 06.03.2011 according to Hindu rites. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 24.06.2011. 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-wife in her evidence has stated that she has no claim of any alimony for past, present and future from the petitioner No. 1 towards her permanent alimony. 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 more than one year back i.e. on 13.03.2013. The petitioners are in the prime period of their youth. Both of them stated on oath that they have been living separately 24.06.2011 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 11th day of August, 2014.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Jnana Ranjan Mohapatra

P.W.2 Deepanjali Mishra

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.