

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 131 of 2013
(Under Section 13 (B) of Hindu Marriage Act, 1955)

1. Chandan Naik, aged about 36 years,
S/o- Dandapani Naik,
Village-Kuhudi (Hata Sahi Harijan Basti),
P.O.-Kuhudi, P.S.-Tangi, Dist-Khurda,
Odisha.
..... Petitioner No. 1
2. Sikha Jena,
W/o- Chandan Naik,
D/o- Bimram Jena,
Qr. No. 204/5, MES Key Person, INS Chilika,
Naval Base, P.S.-Chilika, Dist-Khurda,
Odisha.
... Petitioner No. 2

Date of argument : 16.07.2014

Date of judgment : 16.07.2014

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 rites and customs at Qr No. 204/5 INS Chilika under the district of Khuda in presence of friends, relatives and well wishers of both the petitioners on 07.02.2011. After marriage, they have not consummated their marriage yet, though they are husband and wife. Due to differences arose between them on the date of forth night which

could not be resolved and as such they have been living separately since 10.05.2011. 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 on 22.12.2012 a meeting was called for and in presence of parents of both the petitioners and it is decided there that the petitioner No. 1 has to deposit sum of Rs. 20,000/- towards permanent alimony of the petitioner No.2 and which has been deposited in the joint account of Odisha State Commission for Women, Bhubaneswar towards the permanent alimony of petitioner No. 2. Both the petitioners themselves decided that detachment of their matrimonial relationship would be better for them. In order to lead a happy life for the remaining part of their life, both decided for a mutual divorce. It is further averred that there shall have no claim of maintenance against each other.

3. Both the petitioners were examined in oath as P.Ws. 1 and 2 respectively. They have stated unanimously that their marriage was solemnized 07.02.2011 according to Hindu rites and customs and they have consummated their marriage. Due to differences arose between them which could not be resolved and as such they have been living separately since 10.05.2011. Although their friends and relatives tried their best to reunite them, reconciliation was not possible. It is further averred that petitioner No.2 has stated that she has already received all the articles, gifts and other belongings along with cash of Rs. 10,000/- (Rupees Ten thousand) only from petitioner No.2 and on 22.01.2012 petitioner No. 1 has deposited a sum of Rs. 20,000/- (Rupees twenty thousands) towards permanent alimony in the joint account of Odisha State Commission for Women Bhubaneswar. 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 her past, present and future. In view of the

above admission of petitioner No.2 she is not entitle to get any further maintenance from petitioner No.1. The petition was filed on 19.03.2013. The petitioners are in the prime period of their youth. Both of them stated on oath that they have been living separately since 10.05.2011 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 16th day of July, 2014.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Chandan Naik

P.W.2 Sikha Jena

List of documents admitted by petitioners:

Nil.

JUDGE, FAMILY COURT,
BHUBANESWAR.