

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 180 of 2014

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

Gyana Ranjan Mallick, aged about 40 years,
S/o- Late Sadananda Mallick,
Plot No. 110/A, Acharya Vihar,
P.S.-Saheednagar, Bhubaneswar-751013,
Dist-Khurda.

..... Petitioner No. 1

AND

Rojalin Rout, aged about 24 years,
W/o- Gyana Ranjan Mallick,
D/o-Sri Jagdish Rout,
Plot No. 350, Jayadev Vihar, P.S.-Nayapalli,
Bhubaneswar, Dist-Khurda.

..... Petitioner No. 2

Date of argument : 15.01.2015

Date of judgment : 15.01.2015

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 facts of the case of the petitioners are that their marriage was solemnized as per Hindu customs and tradition at Bhubaneswar on 23.01.2013 and consummated their marriage in the house of the petitioner No.1. Due to differences arose between them which could not be resolved and they started living separately since 01.05.2013. The

petition was presented before this Court on 09.05.2014. Therefore, they have been living separately more than one year. The petition was filed more than six months back i.e. on 09.05.2014. It is further averred that both the parties have exchanged their gold ornaments, gifts and other articles along with household articles given at the time of marriage. It is further averred that petitioner No.1 will undertake to pay Rs. 4,00,000/- (Rupees four lakhs) only in form of Account Payee Bank Draft in favour of the petitioner No.2 towards permanent alimony and cost of the motor cycle and after payment of the above mentioned cash of Rs. 4,00,000/- and after disposal of the present case, the petitioner No.1 and petitioner No.2 shall not be able to inherit the property of either parties in any manner whatsoever and after completion of the said proceeding, the petitioner No.2 shall not demand to be wife of the petitioner No.1 and shall be deemed as daughter of the Jagdish Rout for all purpose and both the parties have legally entitled to marry afresh and to maintain their life in their own choice. It is further averred that several attempts have been made by the family members, friends and well wishers for their reunion but in vain. 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 23.01.2013 according to Hindu rites. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 01.05.2013. As per settlement between them petitioner No.1 has already paid Rs. 4,00,000/- towards permanent alimony and for cost of motor cycle to the petitioner No.2 vide D.D. No. 243373 dated 12.01.2015 of S.B.I. Secretarite Branch, Bhubaneswar. Although their friends and relatives tried their best to reunite them yet 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. 4,00,000/- towards permanent alimony and for the cost of the motor cycle vide D.D.No. 243373 of S.B.I. Secretariate Branch, Bhubaneswar from petitioner No.1 and she has no claim of any alimony for past, present and future for herself. 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 09.05.2014. Both of them stated on oath that they have been living separately since 01.05.2013 and they are not able to live together and they have mutually agreed that their marriage should be dissolved. The Court should not stand as a 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 15th day of January, 2015.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Gyana Ranjan Mallick

P.W.2 Rojalin Rout

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.