

## IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 182 of 2015  
(Under Section 13 (B) of Hindu Marriage Act, 1955)

Jyoti Prakash Mishra, aged about 33 years,  
S/o-Prasanna Kumar Mishra,  
Permanent resident:- At/P.O.-Sankhameri, P.S.- Baramba,  
Dist-Cuttack.  
At present residing at Plot No. 5D/1448, Sector,-10,  
C.D.A., P.S.-Markatnagar, Dist-Cuttack.

..... Petitioner No. 1

AND

Smt. Ipsita Mohanty, aged about 27 years,  
W/o-Sri Jyoti Prakash Mishra,  
D/o-Barada Mohanty,  
Resident of Plot No; 1224, Khandagiri Bari,  
At/P.O./P.S.-Khandagiri, Bhubaneswar, Dist-Khurda.

..... Petitioner No. 2

Date of Second Motion : 06.10.2015

Date of Judgment : 10.10.2015

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 in Bhubaneswar on 26.01.2008 vide Marriage Invitation Card (Ext. 1). Due to differences arose between them which could not be resolved they started living separately since 07.07.2013. The petition was presented before this Court on 24.03.2015. Therefore, they have been living separately more than one year. It is further averred that several attempts have been made by the family members, friends and well wishers for their reunion but all were in vain. It is averred by the parties as per settlement between them both parties have exchanged their gift.

It is also averred that 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 according to Hindu rites in Bhubaneswar on 26.01.2008 vide Marriage Invitation Card (Ext. 1). Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 07.07.2013. 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 and their consent is free consent for dissolution of the marriage.

4. Petitioner No. 2 stated that she has no other 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. Both of them stated on oath that they have been living separately since 07.07.2013 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 10<sup>th</sup> day of October, 2015.

JUDGE, FAMILY COURT,  
BHUBANESWAR.

Witnesses examined for the petitioners:  
P.W.1            Shri Jyoti Prakash Mishra

P.W.2 Smt. Ipsita Mohanty  
List of documents admitted by petitioners:  
Ext. 1 Marriage Invitation Card.

JUDGE, FAMILY COURT,  
BHUBANESWAR.