

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

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

Civil Proceeding No. 190 of 2013  
(Under Section 13 (B) of Hindu Marriage Act, 1955)

1. Santosh Prusty, aged about 30 years,  
S/o- Gokul Prusty,  
of village-Deulipatna, P.O.-Kaimatia,  
P.S.-Jatni,  
Dist-Khurda.  
..... Petitioner No. 1
2. Laxmi Priya Prusty, aged about 24 years,  
W/o- Santosh Prusty,  
D/o- Kedar Sahoo,  
At present at Qrs. No. F-25/8, Rental Colony,  
P.O.-Baramunda, P.S.-Khandagiri,  
Bhubaneswar, Dist-Khurda.  
... Petitioner No. 2

Date of argument : 09.07.2014

Date of judgment : 09.07.2014

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 village Deulipatna on 10.07.2012. After marriage, they did not live together as husband and wife for a single day though they are officially husband and wife. Due to differences arose between them which could not be resolved and as such they have been living separately since 11.07.2012. It is further averred

that on 12.04.2013 both the petitioners mutually agreed that the petitioner No. 1 shall pay sum of Rs. 7,00,000/- towards full and final permanent alimony to the petitioner No.2 and it is further averred that petitioner No. 1 and 2 shall return each other gifts, presentations, dowry articles, ornaments, utensils, furniture etc. given at the time of marriage and further both the parties shall not claim each other any litigation expenses, movable and immovable properties in future. It is further averred that several attempts have been made by the family members, friends and well wishers for their reunion but in vain. 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 10.07.2012 according to Hindu rites and customs. After marriage, they did not live together as husband and wife for a single day though they are officially husband and wife. Due to differences arose between them which could not be resolved and as such they have been living separately since 11.07.2012. 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 Rs. 7,00,000/- ( Rupees Seven lakhs) only towards full and final permanent alimony from petitioner No.2. 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 already received Rs. 7,00,000/- (Rupees seven lakhs) only towards her full and final permanent alimony from petitioner No.1 and she has also received back her gift, presentations, dowry articles, ornaments utensils,

furnitures etc. given at the time of marriage no claim of maintenance against petitioner No.1. The petition was filed on 12.04.2013. The petitioners are in the prime period of their youth. Both of them stated on oath that they have been living separately since 11.07.2012 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 9<sup>th</sup> day of July, 2014.

JUDGE, FAMILY COURT,  
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1        Santosh Prusty.  
P.W.2        Laxmi Priya Prusty.

List of documents admitted by petitioners:

Nil.

JUDGE, FAMILY COURT,  
BHUBANESWAR.