

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 23 of 2015
(Under Section 13 (B) of Hindu Marriage Act, 1955)

Shri Debasis Nayak, aged about 32 years,
S/o-Prahalad Chandra Nayak,
At-Brahmeswar Lane, P.O.-G.G.P. Colony,
Rasulgarh, Bhubaneswar, Dist-Khurda.

..... Petitioner No. 1

AND

Smt. Smitarani Nayak, aged about 28 years,
W/o-Shri Debasis Nayak,
D/o-Sibaprasad Nayak,
Qrs. No. 2RAF-32/3, Unit-9,
P.O.-Bhoi sahi, Bhubaneswar,
Dist-Khurda.

..... Petitioner No. 2

Date of Second Motion : 25.08.2015

Date of Judgment : 25.08.2015

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 23.01.2013. Due to differences arose between them which could not be resolved they started living separately since 03.02.2013. The petition was presented before this Court on 13.01.2015. 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 further averred by both the parties that they have exchanged their gifts and other articles given at the time of marriage. It is also

averred by them that on 20.01.2014 there was a settlement between them and as per the settlement the petitioner No.1 agreed to pay Rs. 3,00,000/- to the petitioner No.2 as her permanent alimony. Apart from that the petitioner No.1 had already given a cheque bearing No. 0770270 dated 20.01.2014 amounting to Rs. 2,00,000/- to the father of the petitioner No.2 towards purchasing of dress etc of the petitioner No.1 given at the time of marriage. 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 23.01.2013. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 03.02.2013. 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 already received D.D. No. 060520 dated 19.08.2015 amounting Rs. 3,00,000/- towards her permanent alimony from the petitioner No.1 and 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 03.02.2013 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;

ORDER

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 25th day of
August, 2015.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Shri Debasis Nayak

P.W.2 Smt. Smitarani Nayak

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.