

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 234 of 2015

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

Sri Sailendra Mallick, aged about 30 years,
S/o-Narendra Mallick,
Village-Bada Jharilo, P.O.-Sundargram, P.S.-Cuttack Sadar,
Dist-Cuttack.

..... Petitioner No. 1

AND

Smt. Anita Mallick, aged about 22 years,
W/o-Sri Sailendra Mallick,
D/o-Raghunath Mallick,
At present Village-Keiajori, P.O.-Biswanathpur,
P.S.-Balipatna, Dist-Khurda.

..... Petitioner No. 2

Date of Second Motion : 19.01.2016

Date of Judgment : 19.01.2016

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 on 25.06.2013 and they have no issue out of their wedlock. Due to differences arose between them which could not be resolved they started living separately since 29.09.2013. The petition was presented before this Court on 18.04.2015. 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 that as per settlement between them the

petitioner No.1 shall return Rs. 40,000/- to the petitioner No.2 towards her permanent alimony and they have no claim against each other for past, present and future. 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 on 25.06.2013 and they have no issue out of their wedlock. Due to differences arose between them which could not be resolved they started living separately since 29.09.2013. 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 Rs. 40,000/- from petitioner No.1 and she has no claim of 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 29.09.2013 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 19th day of January, 2016.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Sri Sailendra Mallick,

P.W.2 Smt. Anita Mallick

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.