

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 248 of 2013
(Under Section 13 (B) of Hindu Marriage Act, 1955)

1. Manoranjan Pany, aged about 32 years,
S/o- late Kulamani Pany,
Resident of at-Shyama Charanpur,
P.O./P.S./Dist-Khenkanal.

..... Petitioner No. 1

2. Jitasha Mishra, aged about 26 years,
W/o- Manoranjan Pany,
Resident of At-Plot No. 1476,
Lane No.1, Bhakta Madhu Nagar,
Gandamunda, Bhubaneswar,
P.O./P.S.-Khandagiri,
Dist-Khurda.

..... Petitioner No. 2

Date of argument : 11.07.2014

Date of judgment : 11.07.2014

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 customs and tradition at Annapurna Complex, N-5/525, Near Crown Hotel, IRC Village, Nayapalli, Bhubaneswar on 09.12.2009 and consummated in the residence of petitioner No.1 at Shyama Chandan Pur, under the district of Dhenkanal. They led happy conjugal life till 10.08.2010. Thereafter differences arose between them which could not be resolved and as such they have been living separately

since 10.08.2010. Therefore, they have been living separately since more than three years. A child is born out of the wedlock of the petitioners. The petition was filed ten months back i.e. 06.08.2013. It is further averred that several attempts have been made by the family members, friends and well wishers for their reunion but in vain. It is further averred that on 16.05.2013 the petitioner No. 1 has returned all the gold ornaments of the petitioner No.2 and also paid Rs. 1,50,000/- towards her permanent alimony. As chance of reunion was remote they decided to dissolve the marriage by mutual consent. According to them, their consent has not been obtained by exercising fear, force, fraud, coercion or undue influence.

3. Both the petitioners were examined in oath as P.Ws. 1 and 2 respectively. They have stated unanimously that their marriage was solemnized on 09.12.2009 according to Hindu rites and customs. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 10.08.2010. The petitioner No. 1 has stated that he has no objection if his son Sanket Pany will reside with petitioner No. 2 and he will give necessary financial help to his son. Although their friends and relatives tried their best to reunite them, 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-wife in her evidence has stated that she has no claim of maintenance from petitioner No.1 as she has received her permanent alimony and all her gift articles and presentation given at the time of marriage. In view of above admission by the petitioner No. 2, she is not entitled to get any further alimony from petitioner No.1. She has further stated that she is capable enough to maintain her son as she is self sufficient. The petition has been filed more than one year back i.e. on 16.05.2013. The petitioners are in the prime period of their youth. Both of them stated on oath that they have been living separately 10.08.2010

and they are not able to live together and they have mutually agreed that their marriage should be dissolved. The Court should not stand 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 11th day of July, 2014.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Manoranjan Pany

P.W.2 Jitasha Mishra

List of documents admitted by petitioners:

Nil.

JUDGE, FAMILY COURT,
BHUBANESWAR.