

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 252 of 2015
(Under Section 13 (B) of Hindu Marriage Act, 1955)

Sri Shuvendra Kumar Tripathy, aged about 35 years,
S/o-Late Surendranath Tripathy,
Resident of Raghunathpur, P.O.-Raghunathpur,
P.S.-Chandrasekharpur, Bhubaneswar, Dist-Khurda.

..... Petitioner No. 1

AND

Smt. Itishree Acharya, aged about 25 years
W/o-Sri Shuvendra Kumar Tripathy,
D/o-Sri Purna Chandra Acharya,
Resident of Raghunathpur, P.O.-Raghunathpur,
P.S.-Chandrasekharpur, Bhubaneswar, Dist-Khurda.
At present-Swarna Bhaban, Jagannath Colony, P.S.-Puri Town,
Dist-Puri.

..... Petitioner No. 2

Date of Second Motion : 14.03.2016

Date of Judgment : 14.03.2016

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 in Satsanga Thakurbadi, Chakritirtha Road, Puri on 27.11.2011 and after marriage both of them resided together in the house of petitioner No.1. Due to differences arose between them which could not be resolved they started living separately since 22.02.2012. The petition was presented before this Court on 27.04.2015. 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 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 in Satsanga Thakurbadi, Chakritirtha Road, Puri on 27.11.2011 and after marriage both of them resided together in the house of petitioner No.1. Due to differences arose between them which could not be resolved they started living separately since 22.02.2012. 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 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 22.02.2012 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 14th day of March, 2016.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Sri Shuvendra Kumar Tripathy

P.W.2 Smt. Itishree Acharya

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.