

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 254 of 2014

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

Smt. Sanjaya Kumar Pattnaik, aged about 46 years,
S/o- Braja Kishore Pattnaik,
At-Chandra Nagar, P.O./P.S.-Chauliaganj,
Dist-Cuttack.

..... Petitioner No. 1

AND

Smt. Manasmita Pattnaik, aged about 35 years,
W/o- Sanjaya Kumar Pattnaik,
At present residing with her father
Sri Rabindranath Pattnaik,
At-LB-82, Housing Board Colony, Phase-II,
Bhimtangi, Bhubaneswar,
Dist-Khurda.

..... Petitioner No. 2

Date of argument : 05.01.2015

Date of judgment : 05.01.2015

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 on 28.01.1999 and out of their wedlock one male child namely Rishav was born on 09.01.2002. Due to differences arose between them which could not be resolved and they started living separately since 02.05.2008. The petition was presented before this Court on 30.06.2014. Therefore, they have been

living separately more than six years. The petition was filed more than six months back i.e. on 30.06.2014. It is further averred that petitioner No.1 will pay permanent alimony of Rs. 1,00,000/- to the petitioner and will bear all the expenses of the minor son. It is further averred that several attempts have been made by the family members, friends and well wishers for their reunion but in vain. 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 on 28.01.1999 according to Hindu rites. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 02.05.2008. As per settlement between them petitioner No.1 has already paid Rs. 1,00,000/- towards permanent alimony to the petitioner No.2 and the minor son will remain in the custody of petitioner No.2 and petitioner No.1 will bear all the expenses of the minor son namely Rishav. 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.

4. Petitioner No. 2 stated that she has already received Rs. 1,00,000/- towards permanent alimony and she no 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. As per settlement between both the parties petitioner No.1 will bear all the expenses of the minor son Rishav and will remain in the custody of petitioner No. 2. The petition has been filed more than six months back i.e. on 30.06.2014. Both of them stated on oath that they have been living separately since 02.05.2008 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 and the minor son will remain in the custody of petitioner No.2.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Dictated, corrected by me and is pronounced on this the 05th day of January, 2015.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Sri Sanjaya Kumar Pattnaik

P.W.2 Smt. Manasmita Pattnaik

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.