

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR

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

Civil Proceeding No. 270 of 2015
(Under Section 13 (B) of Hindu Marriage Act, 1955)

Smt. Rasmita Swain, aged about 24 years,
W/o-Sri Bijaya Kumar Swain,
Vill/P.O.-Eranch, P.S.-Niali, Dist-Cuttack.
At present-Sribar and Restaurant C.R.P. in front of
Bhramar Petrol Pump, Bhubaneswar, P.S.-Nayapalli,
Dist-Khurda.

..... Petitioner No. 1

AND

Sri Bijaya Kumar Swain, aged about 34 years,
S/o-Sri Kshirod Kumar Swain,
Vill/P.O.-Eranch, P.S.-Niali, Dist-Cuttack
At present:-Grant Road, Mahatab Nagar Lane No.-2,
P.O.-Kharakhia, P.S.-Lingaraj, Bhubaneswar, Dist-Khurda.

..... Petitioner No. 2

Date of Second Motion : 10.12.2015

Date of Judgment : 10.12.2015

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 Puba Sasan under Pipili police station in the district of Puri on 26.02.2011 and out of their wedlock one female child was born. Due to differences arose between them which could not be resolved they started living separately since 20.01.2014. The petition was presented before this Court on 05.05.2015. Therefore, they have been living separately more than one year. It is averred by the petitioners that

as per settlement between them they have exchanged their gold and other articles given at the time of marriage. 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 also averred that 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 Puba Sasan under Pipili police station in the district of Puri on 26.02.2011 and out of their wedlock one female child was born. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 20.01.2014. 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. 1 stated that she has no claim of alimony for past, present and future for herself. In view of above admission by the petitioner No. 1, she is not entitled to get any further alimony from petitioner No.2. It is agreed upon between the parties that the minor child will continue to stay with petitioner No.1 and she shall born all the expenses of the child. Both of them stated on oath that they have been living separately since 20.01.2014 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 10th day of December, 2015.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Smt. Rasmita Swain

P.W.2 Sri Bijaya Kumar Swain

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.

