

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 284 of 2014

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

Sushree Soumya Acharya, aged about 24 years,
W/o-Sobhit Kumar Khuas,
D/o- Bipini Bihari Acharya,
House No. 309, Bomikhal,
Bhubaneswar, Dist-Khurda.

..... Petitioner No. 1

AND

Sobhit Kumar Khuas, aged about 33 years,
S/o- Harish Chandra Khuas,
Vill/P.O./P.S.-Kantabanji,
Ward No. 8, Dist-Bolangir,
At present Plot No. N-3/354, IRC Village,
Nayapalli, Bhubaneswar, Dist-Khurda.

..... Petitioner No. 2

Date of argument : 15.01.2015

Date of judgment : 15.01.2015

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 10.05.2012. Due to differences arose between them which could not be resolved they started living separately since 06.10.2012. It is further averred that petitioner No.1 has already received her gold ornaments and other household articles given at the time of marriage marriage on 21.04.2014 and on

26.05.2014 and as per settlement petitioner No.2 has already paid an amount of Rs. 3,00,000/- to petitioner No.1 which was acknowledged by her and also petitioner No.2 has deposited a cheque amounting Rs. 2,00,000/- on 26.05.2014 and another cheque amounting Rs. 8,00,000/- drawn in the name of Odisha State Commission for Women with condition that said amount shall be payable to the petitioner No.1 after decree of divorce. The petition was presented before this Court on 14.07.2014. Therefore, they have been living separately more than two years. The petition was filed more than six months back i.e. on 14.07.2014. 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 10.05.2012 according to Hindu rites. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 06.10.2012. 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.

4. Petitioner No. 2 stated that she has 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. The petition has been filed more than six months back i.e. on 14.07.2014. Both of them stated on oath that they have been living separately since 06.10.2012 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;

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 15th day of January, 2015.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Sushree Soumya Acharya
P.W.2 Sobhit Kumar Khuas

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.