

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 293 of 2013
(Under Section 13 (B) of Hindu Marriage Act, 1955)

1. Subhomy Dikshit, aged about 45 years,
S/o- Late Sibashankar Dikshit,
At- Plot No. 519, Mallick Complex,
Jagamara, P.S.-Khandagiri,
Bhubaneswar, Dist-Khurda.
..... Petitioner No. 1
2. Asmita Dixit, aged about 39 years,
D/o- Sailen Paul,
At-2/41, Sahid Nagar, P.O.-Dhukuria,
P.S.- Kasba, Dist-24 Pargonas,
Kolkata-700031.
..... Petitioner No. 2

Date of argument : 01.07.2014

Date of judgment : 01.07.2014

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 on 16.02.1997 as per Hindu customs and tradition in the residence of petitioner No. 2 and consummated in the house of the petitioner No. 1. They led happy conjugal life till 12.08.2011. Thereafter differences arose between them which could not be resolved and as such they have been living

separately since 13.08.2011. Therefore, they have been living separately more than last two years. The petition was filed one year back i.e. 20.06.2013. It is further averred that several attempts have been made by the family members, friends and well wishers for their reunion but in vain. 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 coercion, force 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 16.02.1997 according to Hindu rites and customs. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 13.08.2011. 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 and accordingly to them their consent has not been obtained by exercising coercion, force or undue influence.

4. Petitioner No. 2-wife in her evidence has stated that she has no claim of maintenance from petitioner No.1. In view of above admission by the petitioner No. 2, she is not entitled to get any alimony from petitioner No.1. The petition has been filed more than six months back i.e. on 20.06.2013. The petitioners are in the prime period of their youth. Both of them stated on oath that they have been living separately 13.08.2011 and they have not been able to live together and they have mutually agreed that their marriage should be dissolved. The Court should not stand 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 1st day of July, 2014.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.-1 Subhomoy Dikshit.

P.W.-2 Asmita Dixit.

List of documents admitted for the petitioners:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.