

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 312 of 2015
(Under Section 13 (B) of Hindu Marriage Act, 1955)

Smt. Smrutirekha Dash, aged about 30 years,
W/o-Sri Shakti Ranjan Dash,
D/o-Debendranath Dash,
Bentapur Jagiri, P.O.-Bhingarpur,
P.S.-Balianta, Dist-Khurda.
At present residing at E-9/3, Railway Colony, Mancheswar,
Bhubaneswar, Dist-Khurda.

..... Petitioner No. 1

AND

Sri Shakti Ranjan Dash, aged about 38 years,
S/o-Govind Chandra Dash,
Resident of Plot No. 377, Haladiapadia,
Sarala Nagar, P.S.-Laxmisagar, Bhubaneswar,
Dist-Khurda.

..... Petitioner No. 2

Date of Second Motion : 27.01.2016

Date of Judgment : 27.01.2016

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 Mancheswar Railway Reception Club, Bhubaneswar on 08.05.2008 and out of their wedlock one male child namely Sambhav Dash was born on 04.08.2010. Due to differences arose between them which could not be resolved they started living separately since 18.01.2014. The petition was presented before this Court on 18.05.2015. 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 the petitioner No.2 shall return all belongs with him and the minor son Sambhav Dash will stay with petitioner No.2 and he will bear all of his education expenses. Further, petitioner No.1 shall visit the minor child at her choice as and when necessary, especially on the holidays as per the convince place of both the parties and the petitioner No.1 shall take the minor son to her residence on any holidays to keep him for days together if she desires without hampering his education and the petitioner No.2 or his family members will allow her to meet her son. 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 Mancheswar Railway Reception Club, Bhubaneswar on 08.05.2008 and out of their wedlock one male child namely Sambhav Dash was born on 04.08.2010. Due to differences arose between them which could not be resolved they started living separately since 18.01.2014. 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. Both of them stated on oath that they have been living separately since 18.01.2014 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;

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 and the minor son Sambhav Dash will stay with petitioner No.2 and he will bear all of his education expenses. Further, petitioner No.1 shall visit the minor child at her choice as and when necessary, especially on the holidays as per the convince place of both the parties and the petitioner No.1 shall take the minor son to her residence on any holidays to keep him for days together if she desires without hampering his education and the petitioner No.2 or his family members will allow her to meet her son

JUDGE, FAMILY COURT,
BHUBANESWAR.

Dictated, corrected by me and is pronounced on this the 27th day of January, 2016.

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Witnesses examined for the petitioners:

P.W.1 Smt. Smrutirekha Dash

P.W.2 Sri Shakti Ranjan Dash

List of documents admitted by petitioners:

Nil

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BHUBANESWAR.