

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 365 of 2014

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

Umakanta Behera, aged about 31 years,
S/o-Achyuta Behera,
At- Vill.-Bhagabatipatna, Singheswar,
P.S-Balugaon, Dist-Khurda.

..... Petitioner No. 1

AND

Ahalya Behera, aged about 28 years,
W/o- Umakanta Behera,
Vill.-Bhagabatipatna, P.S.-Balugaon,
Dist-Khurda.
At present residing At/P.O.-Kudiary,
P.S.-Jatni, Dist-Khurda.

..... Petitioner No. 2

Date of Second Motion : 02.05.2015

Date of Judgment : 02.05.2015

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 Taratarini Pitha, under Balugaon Police Station on 21.02.2007. Due to differences arose between them which could not be resolved they started living separately since 21.03.2007. The petition was presented before this Court on 22.08.2014. The petition was filed more than six months i.e. on 22.08.2014. Therefore, they have been living separately more than seven years. It is further averred by the petitioner No.2 that she has already received Rs. 2,00,000/- towards her permanent alimony from petitioner No.1 and she has no claim against petitioner

No.1. 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 according to Hindu rites on 21.02.2007. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 21.03.2007. 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 other 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. Both of them stated on oath that they have been living separately since 21.03.2013 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 2nd day of May, 2015.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Umakanta Behera

P.W.2 Ahalya Behera

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.