

## IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 402 of 2013  
(Under Section 13 (B) of Hindu Marriage Act, 1955)

1. Smt. Madhuri Panda, aged about 24 years,  
W/o- Pradipta Kumar Panda,  
D/o-Late Pratap Chandra Panda,  
At- Mansingpatna,  
P.O.-Mukundapur,  
P.S.-Pipili,  
Dist-Puri.  
..... Petitioner No. 1
2. Smt. Pradipta Kumar Panda, aged about 34 years,  
S/o- Prahallad Panda,  
At-Plat No. 1579/1580,  
Sasan Padia, Old Town,  
P.S.-Lingaraj, Bhubaneswar,  
Dist-Khurda.  
..... Petitioner No. 2

Date of argument : 17.06.2014

Date of judgment : 17.06.2014

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 22.06.2011 as per Hindu customs and tradition at Sriram Kalyan Mandap, Pipili. They led happy conjugal life till 22.10.2011. Thereafter differences arose between them which could not be resolved and as such they have been living

separately since 22.10.2011. Therefore, they have been living separately since last two years. No child is born out of the wedlock of the petitioners. The petition was filed ten months back i.e. 06.08.2013. 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 fear, force, fraud, coercion 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 22.06.2011 according to Hindu rites and customs. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 22.10.2011. 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.

4. Petitioner No. 2-wife in her evidence has stated that on 06.08.2013 i.e. on the date of filing of the application, she has received Rs. 2,80,000/- (Rupees two lakhs eighty thousand) towards her permanent alimony from petitioner No.1. 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 06.08.2013. The petitioners are in the prime period of their youth. Both of them stated on oath that they have been living separately 22.10.2011 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 17<sup>th</sup> day of June, 2014.

JUDGE, FAMILY COURT,  
BHUBANESWAR.

Witnesses examined for the petitioner:

P.W.1 Smt. Madhuri Panda

Witnesses examined for the respondent:

R.W.1 Sri Pradipta Kumar Panda.

List of documents admitted by petitioners:

Nil.

JUDGE, FAMILY COURT,  
BHUBANESWAR.