

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 429 of 2013
(Under Section 13 (B) of Hindu Marriage Act, 1955)

1. Sri Ashok Kumar Panda, aged about 32 years,
S/o- Anam Charan Panda,
At- Rama Krushna Nagar, Chatrapur, Ganjam-761020.
At present- Block-401, 12-03, Pandan Garden-600401,
Singapur.
..... Petitioner No. 1
2. Smt. Sujata Priyambada, aged about 29 years,
W/o- Ashok Kumar Panda,
D/o- Kshetramohan Mallick,
At- Plot No. 100, Phase-II, Bhagabat Sandhan,
Canal Road, Rasulgarh,
Bhubaneswar, Dist-Khurda.
..... Petitioner No. 2

Date of argument : 24.06.2014

Date of judgment : 24.06.2014

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 06.12.2010 as per Hindu customs and tradition at Golap Resorts, Bhubaneswar. After the marriage both the petitioners had been to Singapur, to the working place of the petitioner No. 1. After few months of their marriage differences arose between them which could not be resolved and as such they have been living separately since 30.06.2011. Therefore, they have

been living separately more than two years. No child is born out of the wedlock of the petitioners. The petition was filed on 17.08.2013. It is further averred that several attempts have been made by the family members, friends and well wishers for their reunion but in vain. It is further averred that on 27.05.2013 in presence of Chairperson, Orissa State Commission for Women petitioner No.1 has returned her all gifts, ornaments and other articles to the parents of petitioner No.2 and it was further decided that petitioner No. 1 has deposited a sum of Rs. 10,00,000/- (Rupees Ten Lakhs) in the name of the Orissa State Commission for Women bearing account No. 31127942766 which shall be paid to petitioner No. 2, after obtaining the decree of divorce from the competent court of law. 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 06.12.2010 according to Hindu rites and customs. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 30.06.2011. 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 as per the agreement on 27.05.2013 before the Chairperson, Orissa State Commission for Women and witnesses, petitioner No. 1 has returned all her gifts, ornaments and other articles to the parents of petitioner No. 2 and it was also decided that the petitioner No. 1 has deposited a sum of Rs. 10,00,000/- in the account of Orissa

State for Women towards her permanent alimony which shall be paid to petitioner No. 2 after obtaining the decree of divorce from the competent court of law. 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 30.06.2011 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 24th day of June, 2014.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined

P.W.1 Sri Ashok Kumar Panda

P.W.2 Smt. Sujata Priyambada

List of documents admitted by petitioners:

Nil.

JUDGE, FAMILY COURT,
BHUBANESWAR.