

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 430 of 2013

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

Kshanaprava Mishra, aged about 27 years,  
W/o- Sri Mithun Kumar Jena,  
D/o-Sri Gagan Bihari Mishra,  
Qrs No. C/85, At/P.O/P.S.-Nalco Nagar,  
Dist-Angul, Odisha.

..... Petitioner No. 1

AND

Sri Mithun Kumar Jena, aged about 27 years,  
S/o- Sri Jatindra Kumar Jena,  
Vill.- Garh Antuara, P.O.-Taradapada,  
P.S.-Nimapara, Dist-Puri,  
Odisha.

..... Petitioner No. 2

Date of argument : 08.08.2014

Date of judgment : 08.08.2014

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 as per Hindu customs and tradition in Bhuasuni Temple, Samantarapur on 17.02.2007 and out of their wedlock a female child namely Ritishna was born on 20.08.2008. Thereafter differences arose between them which could not be

resolved and as such they have been living separately since 21.02.2010. Therefore, they have been living separately more than four years. The petition was filed eleven months back i.e. 17.08. 2013. It is further averred that both parties have exchanged their presentation and gift articles and valuables like gold ornaments given at the time of marriage. 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 there was a settlement between the parties and as per the settlement petitioner No. 1 will not ask for any alimony from petitioner No.2. Petitioner No. 1 has agreed not to claim any maintenance/alimony also in future and petitioner No. 1 will not have right over the movable or immovable property of the petitioner No. 2 nor will claim the same in future and the child will remain in the custody of the petitioner No. 2 and petitioner No. 2 will take care of the child, bear the expenses of her education and marriage without any interference from the side of the petitioner No. 1 and also petitioner No. 1 will not exercise her right to meet the child. As chance of reunion was remote they decided to dissolve the marriage by mutual consent.

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 17.02.2007 according to Hindu rites and customs and out of their wedlock one female child namely Ritishna was born on 20.08.2008. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 21.02.2010. 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. 1-wife in her evidence has stated that she has no claim of any alimony for past, present and future from the petitioner No. 2 towards her permanent alimony and further she has stated that she has no objection if her daughter will remain with petitioner No.2. In view of above admission by the

petitioner No. 1, she is not entitled to get any further alimony from petitioner No.2. The petition has been filed more than eleven months back i.e. on 17.08.2013. The petitioners are in the prime period of their youth. Both of them stated on oath that they have been living separately 21.02.2010 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 and Ritishna shall continue to stay permanently with the petitioner No.2.

JUDGE, FAMILY COURT,  
BHUBANESWAR.

Dictated, corrected by me and is pronounced on this the 8<sup>th</sup> day of August, 2014.

JUDGE, FAMILY COURT,  
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1           Kshanaprava Mishra.

P.W.2           Sri Mithun Kumar Jena.

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,  
BHUBANESWAR.