

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 430 of 2015

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

Sanjeev Kumar Mohapatra, aged about 38 years,
S/o-Nakula Mishra,
At Plot No. 9296, Near HIG-238, Phase-7, Landmark,
Near Tulshi Vihar Apartment,
P.S.-Chandrasekharapur, Bhubaneswar,
Dist-Khurda.

..... Petitioner No. 1

AND

Parismita Nanda, aged about 29 years,
W/o-Sanjeev Kumar Mishra,
D/o-Basanta Kumar Nanda,
At Plot No. 176/3b, Kedargouri Vihar,
P.O-BJB Nagar, P.S.-Badagada, Bhubaneswar,
Dist-Khurda.

..... Petitioner No. 2

Date of Second Motion : 16.01.2016

Date of Judgment : 16.01.2016

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 Sikharachandi Temple, Patia, Bhubaneswar on 19.02.2014 and they have no issue out of their wedlock. Due to differences arose between them which could not be resolved they started living separately since 30.06.2014. The petition

was presented before this Court on 13.07.2015. 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 they have exchanged their gift and other articles given at the time of marriage and the petitioner No.1 has already given Rs. 13,00,000/- (Rupees Thirteen Lakhs) only towards permanent alimony of the petitioner No.2 to which she admits the said fact. It is averred by the parties that they have no claim against each other for past, present and future. 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 Sikharachandi Temple, Patia, Bhubaneswar on 19.02.2014 and they have no issue out of their wedlock. Due to differences arose between them which could not be resolved they started living separately since 30.06.2014. 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. 2 stated that she has already received Rs. 13,00,000/- (Rupees Thirteen Lakhs) from petitioner No.1) towards her permanent alimony from petitioner No.1 and she has no claim of 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 30.06.2014 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;

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 16th day of January, 2016.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Sanjeev Kumar Mishra

P.W.2 Parismita Nanda

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.