

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 445 of 2013

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

Sanjaya Kumar Nayak, aged about 34 years,
S/o- Himansu Nayak,
At-Asha Nivas, Kharakhia Baidyanath Lane,
P.O.-Old Town, Bhubaneswar-2,
Dist-Khurda.

..... Petitioner No. 1

AND

Priyambada Nayak, aged about 33 years,
W/o-Sanjaya Kumar Nayak,
D/o- Harekrushna Nayak,
At-Siriadeipur, P.O.-Balakati,
P.S.-Baliana, Dist-Khurda.

..... Petitioner No. 2

Date of argument : 20.08.2014

Date of judgment : 20.08.2014

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 at Bhubaneswar on 19.11.2008. After three days of marriage, differences arose between them which could not be resolved and as such they have been living separately since 23.11.2008. Therefore, they have been living separately more than five years. The petition was filed more than eleven months back i.e. 26.08.2013. 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 19.11.2008 according to Hindu rites. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 23.11.2008. 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 she has no claim of any alimony for past, present and future from the petitioner No. 1 towards her permanent alimony. 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 eleven months back i.e. on 26.08.2013. The petitioners are in the prime period of their youth. Both of them stated on oath that they have been living separately 23.11.2008 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 20th day of August, 2014.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Sanjaya Kumar Nayak.

P.W.2 Priyambada Nayak.

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.

