

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 467 of 2013
(Under Section 13 (B) of Hindu Marriage Act, 1955)

1. Mr. Amitav Bhattacharya, aged about 28 years,
S/o- Shyamapada, Bhattacharya,
Residence of Plot No. 17/1, Station Square, Unit-III,
P.O/P.S.- Kharavel Nagar, Bhubaneswar-751001,
Dist-Khurda.

..... Petitioner No. 1

2. Smt. Jayashree Chakraborty, aged about 26 years,
D/o-D.K. Chakraborty,
Residence of Flat No. 6A/1, Metro Masion, Lewis Road,
Ravi Talkies Square, P.S.-Lingaraj,
Bhubaneswar-751002,
Dist-Khurda.

... Petitioner No. 2

Date of argument : 05.07.2014

Date of judgment : 05.07.2014

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 rites and customs at Hotel Presidency, Nayapalli, Bhubaneswar on 04.12.2011. After marriage, they lived together as husband and wife for three months in the house of the petitioner No.1. They have no issue out of their wedlock. After marriage due to indelible temperaments, thoughts and mental incompatibility,

they are residing separately since 20.03.2012. 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 with the intervention of well-wisher, and common family friends of both parties, both the parties settled the differences and the petitioner No. 2 has settled all her claims regarding her maintenance for past, present and future and petitioner No. 2 shall not claim any maintenance for herself for past, present and future from petitioner No. 1 and besides that the petitioner No. 2 shall not claim or shall have right against any movable and immovable property of the petitioner No. 1 or his family members any time in future. Both the petitioners themselves decided that detachment of their matrimonial relationship would be better for them. In order to lead a happy life for the remaining part of their life, both decided for a mutual divorce. It is further averred that there shall have no claim of maintenance against each other.

3. Both the petitioners were examined in oath as P.Ws. 1 and 2 respectively. They have stated unanimously that their marriage was solemnized 04.12.2011 according to Hindu rites and customs. After marriage petitioners used to live as husband and wife for a period of three months in the residence of petitioner No.1. Due to indifferent temperament, and mental incompatibility and difference opinion they are living separately since 20.03.2012. 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 already received Rs. 3,00,000/- towards her permanent alimony and further she no claim of maintenance against P.W. 1. In view of above admission of P.W.2, she is not entitled to get any further maintenance from P.W. 1. The petition was filed on 07.09.2013. The petitioners are in the prime period of their youth. Both of them stated on oath that they

have been living separately since 20.03.2012 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 5th day of July, 2014.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Mr. Amitav Bhattacharya

P.W.2 Smt Jayashree Chakraborty.

List of documents admitted by petitioners:

Nil.

JUDGE, FAMILY COURT,
BHUBANESWAR.