

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 469 of 2015
(Under Section 13 (B) of Hindu Marriage Act, 1955)

Sri Anup Kumar Mitra, aged about 60 years,
S/o-Late Gopendra Kumar Mitra,
Permanent residence of 6-G-B-2, Gole Park Housing Society,
49-B, Gobindapur Road, Lake Garden, Kolkata-700045.

..... Petitioner No. 1

AND

Smt. Nita Mitra, aged about 53 years,
W/o-Sri Anup Kumar Mitra,
D/o-Late Sachindra Nath Kar Roy,
At present residing at Apartment No.102, Bloc-III, Starclub
Apartment, Kalaranga, Patia, P.O./P.S.-Chandrasekharpur,
Bhubaneswar, Dist-Khurda.

..... Petitioner No. 2

Date of Second Motion : 01.02.2016

Date of Judgment : 01.02.2016

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 at Cittaranjan in West Bengal on 14.08.1982 and out of their wedlock one female child was born in Chittaranjan Kastuba Hospital on 23.09.1985 and she has been given married. According to the petitioners after few years of their marriage, due to transfer of the petitioner No.1 to Cuttack both of them

resided together there. Due to differences arose between them which could not be resolved they started living separately since 03.06.2012. According to the petitioner No.2 after separation from petitioner No.1 she has been residing with her daughter. The petition was presented before this Court on 29.07.2015. Therefore, they have been living separately more than three years. 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 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 at Cittaranjan in West Bengal on 14.08.1982 and out of their wedlock one female child was born in Chittaranjan Kastuba Hospital on 23.09.1985 and she has been given married. According to the petitioners after few years of their marriage, due to transfer of the petitioner No.1 to Cuttack both of them resided together there. Due to differences arose between them which could not be resolved they started living separately since 03.06.2012. 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 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 03.06.2012 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;

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 1st day of February, 2016.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Sri Anup Kumar Mitra

P.W.2 Smt. Nita Mitra

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.