

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 473 of 2013
(Under Section 13 (B) of Hindu Marriage Act, 1955)

1. Sri Desiti Santosh Kiran, aged about 30 years,
S/o- Sri Desiti Minna Rao,
House No. 34, Amrapally,
Ahalya Nagar,
Post:- Patia, P.S.-Chandrasekharapur,
Bhubaneswar-751024, Dist-Khurda.

..... Petitioner No. 1

2. Smt. Mogadali Santoshi Samyukta, aged about 28 years,
W/o- Sri Desiti Santosh Kiran,
D/o-Late Mogadali Sambasiva Rao,
Kodigantivari Street, Near M.R. College,
Vizianagaram, Dist- Vizianagaram (Andhra Pradesh)
At present-21, Flat No. 2 (GF),
5th Cross, Srinivasa Temple Road,
Maruthi Nagar, Madiwala,
Bangalore-5600068 (Karnataka)

... Petitioner No. 2

Date of argument : 26.06.2014

Date of judgment : 26.06.2014

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 on 28.11.2010 as per Hindu rites and customs at

Vizanagaram. After marriage, they lived together as husband and wife for fifteen days at Bhubaneswar. After marriage due to indelible temperaments, thoughts and mental incompatibility, they are residing separately since 17.12.2010. It is averred that there was an agreement between the parties and as per the agreement petitioner No. 1 will pay Rs. 5,00,000/- to petitioner No.2 and as per the agreement petitioner No. 1 has already paid Rs. 2,00,000/- in shape of A/c. payee cheque bearing No. 281616 dated 10.09.2013 to which the petitioner No.2 has already received and the balance amount will be paid on the date of judgment. It is further averred that several attempts have been made by the family members, friends and well wishers for their reunion but in vain. 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 28.11.2010 according to Hindu rites and customs. After marriage petitioners used to live as husband and wife for a period of fifteen days at Bhubaneswar. Due to indifferent temperament, and mental incompatibility and difference opinion they are living separately since 17.12.2010. 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. 2-wife in her evidence has stated that she has already received Rs. 2,00,000/- and today she has received Rs.

3,00,000/- in shape of cheque bearing No. 281627 dated 26.06.2014 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 10.09.2013. The petitioners are in the prime period of their youth. Both of them stated on oath that they have been living separately since 17.12.2010 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.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Dictated, corrected by me and is pronounced on this the 26th day of June, 2014.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1	Sri Desiti Santosh Kiran
P.W.2	Smt Mogadali Santoshi Samyukta.

List of documents admitted by petitioners:

Nil.

JUDGE, FAMILY COURT,
BHUBANESWAR.