

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 483 of 2013

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

Pramod Kumar Mishra, aged about 40 years,  
S/o- Bimbadhar Mishra,  
At present-Sudhanidhiswar Basti,  
Road No. 7, Unit-9, Bhubaneswar,  
P.S.-Kharavel Nagar, Dist-Khurda  
Permanent resident of Hantapada,  
P.O.-Karilo Patna, P.S.- Patakura,  
Dist-Kendrapara.

..... Petitioner No. 1

AND

Mamata Satapathy @ Mishra, aged about 28 years,  
W/o- Pramod Kumar Mishra,  
D/o- Bholanath Satapathy,  
At- Dakhinakhanda Bhola,  
P.O.-Harianka, P.S./Dist-Kendrapara.

..... Petitioner No. 2

Date of argument : 05.08.2014

Date of judgment : 05.08.2014

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 at Bhubaneswar in presence of parents, family members, friends, and relatives of both parties on 12.06.2009 and they have no

issue out of their wedlock. Some days thereafter differences arose between them which could not be resolved and as such they have been living separately since 29.11.2011. Therefore, they have been living separately more than two years. The petition was filed more than ten months back i.e. 13.09.2013. It is further averred that several attempts have been made by the family members, friends and well wishers for their reunion but in vain. It is further averred that there was a settlement between the parties before the Mahila Commissioner on 25.03.2013 and as per the settlement petitioner No. 2 had already received back all her belongings as per list given at the time of marriage and Rs. 80,000/- (Rupees eighty thousand only) was deposited by the petitioner No. 1 towards permanent alimony in the office of Mahila Commission. 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 on oath as P.Ws. 1 and 2 respectively. They have stated unanimously that their marriage was solemnized on 12.06.2009 according to Hindu rites and customs. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 29.11.2011. 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 petitioner No.1. The petition has been filed more than ten months back i.e. on 13.09.2013. The petitioners are in the prime period of their youth. Both of them stated on oath that they have been living separately since 29.11.2011 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 5<sup>th</sup> day of August, 2014.

JUDGE, FAMILY COURT,  
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Pramod Kumar Mishra

P.W.2 Mamata Satapathy @ Mishra

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,  
BHUBANESWAR.