

## IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 511 of 2013  
(Under Section 13 (B) of Hindu Marriage Act, 1955)

Jayalal Behera, aged about 50 years,  
S/o- Late Banshidhar Behera,  
Vill/P.O./P.S.-Patnagarh, Dist-Bolangir,  
Presently residing at Ambira Nagar, Jharsuguda Road,  
P.O/P.S.- Ainthapali, Dist- Sambalpur.

..... Petitioner No. 1

Smt. Anjali Prava Behera, aged about 39 years,  
W/o- Jayalal Behera,  
Resident of Vill/P.O./P.S.-Patnagarh,  
Dist-Bolangir.  
Presently At-Plot No. 4,52, Gajapati Nagar,  
P.O.-Sainik School, P.S.-Saheednagar,  
Bhubaneswar, Dist-Khurda.

... Petitioner No. 2

Date of argument : 19.07.2014

Date of judgment : 19.07.2014

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 Kalyan Mandap at Saheednagar, Bhubaneswar on 20.11.2003 and consummated their marriage in the residence of petitioner No.1 at Sambalpur. They have led a happy conjugal life for some years and out of their wedlock two male child namely Dev Kumar Behera and Guru Kumar Behera were born

respectively in the year 2005 and 2007. Thereafter due to indelible temperaments, thoughts and mental incompatibility, they are residing separately since 04.06.2008. 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 both of the parties agreed that they shall not claim any right, title interest over movable and immovable properties of the parties. 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 20.11.2003 according to Hindu rites and customs. After marriage petitioners used to live as husband and wife for some years. Due to indifferent temperament, and mental incompatibility and difference opinion they are living separately since 04.06.2008. There was an amicable settlement between them and as per the agreement petitioner No. 2 has received Rs. 13,50,000/- towards her permanent alimony and for her two sons and her gold ornaments from petitioner No.1 and also petitioner No. 2 and his father have transferred the properties purchased by the petitioner No.1 at Keshapalli, Sambalpur by way of registered sale deed and the petitioner No. 2 has also received cash of Rs. 1,50,000/- from petitioner No.1 for the same. Further petitioner No. 2 has filed separate petition for withdrawal of the criminal proceeding filed by her u/s. 125 Cr.P.C. bearing No. 65/2011. 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. According to them, their consent has not been obtained by fraud, coercion or undue influence.

4. Petitioner No. 2-wife in her evidence has stated that she has no claim of any alimony for past, present and future for self and for her two sons. In view of the above admission of the petitioner No.2, she is not entitled to get any further maintenance from petitioner No. 1. The petition was filed on 28.09.2013. The petitioners are in the prime period of their youth. Both of them stated on oath that they have been living separately since 04.06.2008 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 19<sup>th</sup> day of July, 2014.

JUDGE, FAMILY COURT,  
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1            Sri Jayalal Behera  
P.W.2            Smt. Anjali Prava Behera

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,  
BHUBANESWAR.