

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 513 of 2013
(Under Section 13 (B) of Hindu Marriage Act, 1955)

1. Sri Tushar Ranjan Mishra, aged about 29 years,
S/o- Nilachala Mishra,
Vill.-Gobindapurpatna, P.O./P.S.-Tangi,
Dist-Khurda.
..... Petitioner No. 1
2. Smt. Ranjita Mohapatra, aged about 28 years,
W/o- Tushar Ranjan Mishra,
D/o-Ashok Kumar Mahapatra,
At-Flat No. C-6/303, Radhika Tower,
Tankapani Road, P.S.-Badagada,
Bhubaneswar, Dist-Khurda.
... Petitioner No. 2

Date of argument : 17.06.2014

Date of judgment : 17.06.2014

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 23.11.2008 as per Hindu rites and customs at OSAMA, back side of Keshari Talkies, Bhubaneswar. After marriage, they lived together as husband and wife in the house of petitioner No. 1 for a period of only 12 days and thereafter shifted to a rented house in Bhubaneswar to lead their conjugal

life. A male child was born out of their wedlock on 26.01.2011. Due to indelible temperaments, thoughts and mental incompatibility, they are residing separately since 26.09.2012. It is further averred that several attempts have been made by the family members, friends and well wishers for their reunion but in vain. 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 and it is mutually agreed that the petitioner No. 2 shall keep and maintain the child till he attains the age of maturity.

3. Both the petitioners were examined in oath as P.Ws. 1 and 2 respectively. They have stated unanimously that their marriage was solemnized 23.11.2008 according to Hindu rites and customs. After marriage petitioners used to live as husband and wife for a period of four years. Due to indifferent temperament, and mental incompatibility and difference opinion they are living separately since 26.09.2012. 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 no claim of maintenance against P.W. 1. The petition was filed on 01.10.2013. The petitioners are in the prime period of their youth. Both of them stated on oath that they have been living separately since 26.09.2012 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 17th day of June, 2014.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioner:

P.W.1 Tusar Ranjan Mohapatra

Witnesses examined for the respondent:

R.W.1 Ranjita Mahapatra.

List of documents admitted by petitioners:

Nil.

JUDGE, FAMILY COURT,
BHUBANESWAR.