

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 531 of 2014
(Under Section 13 (B) of Hindu Marriage Act, 1955)

Bharati Behera, aged about 20 years,
W/o-Bhikari Behera,
D/o-Ajaya Pradhan,
At-Baramunda, P.S.-Khandagiri, Bhubaneswar,
Dist-Khurda.
At present Salia Sahi, P.S.-Nayapalli.

..... Petitioner No. 1

AND

Bhikari Behera, aged about 30 years,
S/o-Prasuram Behera,
Residing at Bhanja Nagar, P.O.-Panchabati,
P.S.-Buguda, Dist-Ganjam
At present-Saliasahi, Hatiasuni Nagar, Jeyadev Vihar,
P.S.-Nayapalli, Bhubaneswar, Dist-Khurda.

..... Petitioner No. 2

Date of Second Motion : 11.12.2015

Date of Judgment : 11.12.2015

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 on 08.10.2010 and they have no issue out of their wedlock. Due to differences arose between them which could not be resolved they started living separately since 31.10.2012. The petition was presented before this Court on 17.11.2014. Therefore, they have been living separately more than one year. 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 also averred that 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 08.10.2010 and they have no issue out of their wedlock. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 31.10.2012. 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. 1 stated that she has no claim of alimony for past, present and future for herself. In view of above admission by the petitioner No. 1, she is not entitled to get any further alimony from petitioner No.2. P.W. 1 further stated that she has no claim if the children will continue to stay with her. Both of them stated on oath that they have been living separately since 31.12.2010 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;

ORDER

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 11th day of December, 2015.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Bharati Behera

P.W.2 Bhikari Behera

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.