

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 535 of 2014

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

Smt. Truptimayee Senapati, aged about 27 years,
W/o- Dillip Kumar Dalei
D/o- Meghanad Senapati,
Vill.- Malihata, Dist-Cuttack
At present Plot No. F/136, OSAP 7th Battalion Police Colony,
Bhubaneswar, Dist-Khurda.

..... Petitioner No. 1

AND

Dillip Kumar Dalei, aged about 32 years,
S/o-Baidyanath Dalei,
Resident of Vill-Sankhe, P.S.-Sarankula,
Dist-Nayagarh.
At present-Plot No. 361, N-5, IRC Village,
P.S.-Nayapalli, Bhubaneswar, Dist-Khurda

..... Petitioner No. 2

Date of Second Motion : 23.06.2015

Date of Judgment : 23.06.2015

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 04.12.2011 and they have no child out of their wedlock. Due to differences arose between them which could not be resolved they started living separately since 25.02.2012. The petition was presented before this Court on 18.11.2014. Therefore, they have been living separately more than two years. It is further averred that there was a settlement between the parties and as per settlement the petitioner No.1 had already received an amount of Rs. 2,50,000/- vide D.D. No. 468549

dated 17.11.2014 towards her permanent alimony from petitioner No.2. It is also averred that both the parties have exchanged their gifts and other articles given at the time of marriage. 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. 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 on 04.12.2011. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 25.02.2012. 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.

4. Petitioner No. 1 stated that she has already received Rs. 2,50,000/- vide D.D. No. 468549 dated 17.11.2014 towards her permanent alimony from petitioner No.2 and therefore, she has no other claim of any 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. Both of them stated on oath that they have been living separately since 25.02.2012 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 23rd
day of June, 2015.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Smt. Truptimayee Senapati

P.W.2 Dillip Kumar Dalei

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.