

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 557 of 2013
(Under Section 13 (B) of Hindu Marriage Act, 1955)

Sandeepa Das, aged about 31 years,
D/o- Basanta Kumar Das,
W/o- Tanmay Kumar Basa,
At Pandra, P.O.-GGP Colony, Rasulgarh,
P.S.-Mancheswar, Bhubaneswar,
Dist-Khurda.

At present-C/o- Shantipriya Sahoo,
Ward No.-14, Gangadhar Nagar,
At/P.O./Dist-Baragarh,PIN-768028.

..... Petitioner No. 1

Tanmay Kumar Basa,
S/o-Nandan Kumar Basa,
At-Pandara, P.O.-GGP Colony, Rasulgarh,
P.S.-Mancheswar, 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 in the temple of Goddess Maa Kali, Unit-6 at Bhubaneswar on 20.02.2012 and led a happy conjugal life. After some days of marriage they went to Pune for their higher studies and they registered their marriage before Marriage,

Register, Pune Municipality Corporation, Central Office KAI, P.S. Bhole, Potel Road. Thereafter they returned to Odisha and live separately in their respective houses due to indelible temperaments, thoughts and mental incompatibility, they are residing separately since 05.05.2012. It is further averred that several attempts have been made by the family members, friends and well wishers for their reunion but in vain. 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 20.02.2012 according to Hindu rites and customs. After marriage petitioners used to live as husband and wife for a short period. Due to indifferent temperament, and mental incompatibility and difference opinion they are living separately since 05.05.2012. 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. According to them, their consent has not been obtained by fraud, coercion or undue influence.

4. Petitioner No. 1-wife in her evidence has stated that she has no claim of any alimony for past, present and future. 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 29.10.2013. The petitioners are in the prime period of their youth. Both of them stated on oath that they have been living separately since 05.05.2012 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;

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 19th day of July, 2014.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Sandeepa Das

P.W.2 Tanmay Kumar Basa

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.