

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 574 of 2013
(Under Section 13 (B) of Hindu Marriage Act, 1955)

1. Sri Kamdev Prusty, aged about 41 years,
S/o- Krushna Chandra Prusty,
of Village-Keshpur, P.O./P.S.-Khaligot (RS)
Dist-Ganjam
At present Qrs. No.- 2RB-F/51/12,
Unit-9 (Flat), P.O.-Bhoi Nagar,
P.S.-Saheed Nagar, Bhubaneswar,
Dist-Khurda.

..... Petitioner No. 1

2. Archana Das, aged about 30 years,
W/o- Kamdev Prusty,
D/o- Bibhuti Bhusan Das,
At-Gajapati Nagar, (Padmapur),
P.O.-Palur, P.S.-Rambha,
Dist-Ganjam.

..... Petitioner No. 2

Date of Argument : 08.07.2014

Date of Judgment : 08.07.2014

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 on 10.07.2003 as per Hindu customs and tradition in the respondent of first petitioner's at Keshpur in the district of Ganjam and lead a happy conjugal life for some days. Thereafter differences arose between them which could not be resolved and as such they have been

living separately since 05.03.2010. Therefore, they have been living separately since last four years. No child is born out of the wedlock of the petitioners. The petition was filed seven months back i.e. 13.11.2013. 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 on 14.04.2013 after more persuasion, discussion between the both the families, both the petitioners, mutually decided that they will not raise alimony from each other and there is no point for the continuance of the matrimonial relationship and further agreed upon the dissolution of the marriage tie by a decree of divorce. As chance of reunion was remote they decided to dissolve the marriage by mutual consent. According to them, their consent has not been obtained by exercising fear, force, fraud, coercion or undue influence.

3. Both the petitioners were examined in oath as P.Ws. 1 and 2 respectively. They have stated unanimously that their marriage was solemnized on 10.07.2013 according to Hindu rites and customs. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 05.03.2010. Although their friends and relatives on 14.04.2012 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 petitioner No.1 towards her permanent alimony for past, present and future. In view of above admission of the petitioner No. 2, she is not entitled to get further alimony from P.W. 1. The petition has been filed more than seven months back i.e. on 13.11.2013. The petitioners are in the prime period of their youth. Both of them stated on oath that they have been living separately 05.03.2010 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 8th day of July, 2014.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined

P.W.1 Sri Kamdev Prusty

P.W.2 Smt. Archana Das

List of documents admitted by petitioners:

Nil.

JUDGE, FAMILY COURT,
BHUBANESWAR.