

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 576 of 2015
(Under Section 13 (B) of Hindu Marriage Act, 1955)

Smt. Preeyanka Kar, aged about 36 years,
W/o- Sri Dipankar Mishra,
D/o-Dr. Bhagirathi Kar,
At-N3/222, I.R.C. Village, Nayapalli, Bhubaneswar,
Dist-Khurada, Pin-751015.

..... Petitioner No. 1

AND

Sri Dipankar Mishra, aged about 41 years,
S/o-Sri Nityananda Mishra,
At-Kiran nagar, Fakirpur, Panda Sahi, P.O.-Jagatpur,
Dist-Cuttack, Pin-754021.

..... Petitioner No. 2

Date of Second Motion : 09.03.2016

Date of Judgment : 09.03.2016

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 in Subha Kalyan Mandap, Nayapalli, Bhubaneswar on 14.12.2002 and out of the wedlock one female child namely Aadvika Mishra was born on 23.09.2008. Due to differences arose between them which could not be resolved they started living separately since 01.08.2014. The petition was presented before this Court on 08.09.2015. 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 averred by the parties that as per settlement between them they have exchanged their gift and other articles given at the time of marriage and it is also agreed between the parties that the minor daughter will continue to reside with petitioner No.1 and petitioner No.2 shall pay an amount of Rs. 15,000/- per month to the petitioner No.2 towards her maintenance till she attains majority and she shall bear all other expenses of the minor daughter till she is self sufficient. It is further agreed between the parties that the petitioners have no claim against each other for past, present and future. 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 in Subha Kalyan Mandap, Nayapalli, Bhubaneswar on 14.12.2002 and out of the wedlock one female child namely Aadvika Mishra was born on 23.09.2008. Due to differences arose between them which could not be resolved they started living separately since 01.08.2014. 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. Both of them stated on oath that they have been living separately since 01.08.2014 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 and the minor daughter shall continue to reside with the petitioner No.1 and petitioner No.2 shall pay an amount of Rs. 15,000/- per month towards her maintenance to the petitioner No.1 till minor daughter attains majority and the petitioner No.2 shall bear all other expenses of the minor daughter till she is self sufficient.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Dictated, corrected by me and is pronounced on this the 9th day of March, 2016.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Smt. Preeyanka Kar

P.W.2 Sri Dipankar Mishra

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.

