

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 634 of 2013
(Under Section 13 (B) of Hindu Marriage Act, 1955)

1. Siba Prasad Pradhan, aged about 31 years,
S/o- Late Prafulla Kumar Pradhan.
At- Ward No. 3, Kesinga, P.O.-Kesinga, P.S.- Kesinga,
Dist-Kalahandi.
..... Petitioner No. 1
2. Monalisha Mohanty, aged about 25 years,
W/o- Siba Prasad Pradhan,
D/o- Ajaya Kumar Mohanty,
At-Jagamara, P.O.-Khandagiri,
P.S-Khandagiri, Dist-Khurda.
... Petitioner No. 2

Date of argument : 03.07.2014

Date of judgment : 03.07.2014

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 15.02.2012 as per Hindu rites and customs at Bhubaneswar and consummated in the house of the petitioner No. 1. After marriage, they led happy conjugal life for a short period, thereafter due to indelible temperaments, thoughts and mental incompatibility, they are residing separately since 15.06.2012. No child is born out of the wedlock of the petitioners. 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 it is mutually agreed between them that the petitioner No. 1 shall pay a sum of Rs. 1,00,000/- towards the permanent alimony of petitioner No. 2 and the said amount shall be deposited in the court in shape of post dated cheque and that the petitioner No. 2 shall be entitled to take the cheque from the Court at the time of disposal of the proceeding. It is further averred that the cheque has been issued by the mother of the petitioner No.1 namely Minatilata Das vide cheque No. 37982 dated 24.05.2014, SBI, Kesinga. It is also averred that the petitioner No. 1 has returned all the presentation including gold ornaments which had been given at the time of marriage by the parents of the petitioner No.2 and the petitioner No. 2 acknowledged to have received the same as per the affidavit and both the petitioners have no future claim vice versa after dissolving of their marriage. 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 15.02.2012 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 15.06.2012. 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. 2-wife in her evidence has stated that she has already received the cheque bearing No. 379892 dated 24.05.2014 of Rs.

1,00,000/- towards her permanent alimony. She has also further stated that she has also received the gold/silver ornaments, household articles from petitioner No.1 as per her affidavit sworn by her on 23.12.2013. 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 23.12.2013. The petitioners are in the prime period of their youth. Both of them stated on oath that they have been living separately since 15.06.2012 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;

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 3rd day of July, 2014.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Siba Prasad Pradhan.

P.W.2 Monalisha Mohanty.

List of documents admitted by petitioners:

Nil.

JUDGE, FAMILY COURT,
BHUBANESWAR.