

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 636 of 2013

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

Debi Prasad Pradhan, aged about 32 years,  
S/o- Khetrabasi Pradhan,  
Qr. No. 267, IMMT, Colony,  
Acharya Vihar, Bhubaneswar-751013,  
Permanent address-Vill-Laxmi Janardan Patna  
P.O.-Banamalipur, P.S.-Balipatna,  
Dist-Khurda-752103

..... Petitioner No. 1

AND

Puspalata Sahoo, aged about 31 years,  
W/o-Debi Prasad Pradhan,  
D/o- Naba Kishore Sahoo,  
Plot No. N 1/320, IRC Village, Nayapalli,  
P.S.-Nayapalli, Bhubaneswar,  
Dist-Khurda-751015  
Permanent address- Vill.-Muktapur,  
P.S.-Khurda, Dist-Khurda.

..... Petitioner No. 2

Date of argument : 21.08.2014

Date of judgment : 21.08.2014

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 customs and tradition in Hotel Bari International at

Bhubaneswar on 01.06.2010 and consummated their marriage at the residence of the petitioner No.1. They have led a happy conjugal life for a short period for eighteen days. Thereafter differences arose between them which could not be resolved and as such they have been living separately since 19.06.2010. Therefore, they have been living separately more than four years. The petition was filed more than six months back i.e. 23.12.2013. 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 there was a settlement between the parties on 02.10.2013 and as per the settlement the both the parties have returned their presentation and gifts given at the time of marriage and the petitioner No. 1 has also paid Rs. 1,00,000/- through account payee cheque bearing No. 697810 dated 02.10.2013 of S.B.I. to petitioner No.2 towards her permanent alimony. 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 01.06.2010 according to Hindu rites. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 19.06.2010. 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.

4. Petitioner No. 2-wife in her evidence has stated that she has no claim of any alimony for past, present and future from the petitioner No. 1 towards her permanent alimony. In view of above admission by the petitioner No. 2, she is not entitled to get any further alimony from petitioner No.1. The petition has been filed more than six months back i.e. 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 19.06.2010 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 21<sup>st</sup> day of August, 2014.

JUDGE, FAMILY COURT,  
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1        Debi Prasad Pradhan.

P.W.2        Puspalata Sahoo.

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,  
BHUBANESWAR.