

## IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 98 of 2013  
(Under Section 13 (B) of Hindu Marriage Act, 1955)

1. Dibya Ranjan Pattnaik, aged about 38 years,  
S/o- Late Sannat Kumar Pattnaik,  
D-28, Greenpark, Jagmohan Nagar,  
P.S.-Khandagiri, Bhubaneswar,  
Dist-Khurda.  
..... Petitioner No. 1
2. Reeta Pattnaik, aged about 27 years,  
W/o- Dibya Ranjan Pattnaik,  
D/o- Muralidhara Pattnaik,  
At/ P.O.- Kaimatia, Via-Janla,  
P.S.-Jatani, Dist-Khurda.  
..... Petitioner No. 2

Date of argument : 25.06.2014

Date of judgment : 25.06.2014

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 18.01.2012 as per Hindu customs and tradition at Green Park Mandap, Janla, in the district of Khurda. They have resided as husband and wife in the house of the petitioner No.1 but they have no conjugal relationship since the date of marriage. Thereafter differences arose between them which

could not be resolved and as such they have been living separately since 22.01.2012. Therefore, they have been living separately more than two years. The petition was filed one year and two months back i.e. 01.03.2013. 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 averred that there was a settlement between the parties, as per the agreement the petitioner No. 1 agreed to pay to Rs. 2,25,000/- (Rupees two lakhs twenty five thousand) to petitioner No. 1 and petitioner No.1 had paid Rs. 1,25,000/- as advance amount in shape of Cheque vide No. 346693 dated 01.03.2013 of S.B.I., Old Town Branch, Bhubaneswar and further agreed to pay the balance amount of Rs. 1,00,000/- within six months or within the final order passed by this Court. As chance of reunion was remote they decided to dissolve the marriage by mutual consent.

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 18.01.2012 according to Hindu rites and customs. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 22.01.2012. 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.

4. Petitioner No. 2-wife in her evidence has stated that she received Rs. 2,25,000/-(Rupees two lakhs twenty five thousand) only 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 one year back i.e. on 01.03.2013. The petitioners are in the prime period of their youth. Both of them stated on oath that they have been living separately 22.01.2012 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 25<sup>th</sup>  
day of June, 2014.

JUDGE, FAMILY COURT,  
BHUBANESWAR.

Witnesses examined

P.W.1            Dibya Ranjan Pattnaik

P.W.2            Reeta Pattnaik

List of documents admitted by petitioners:

Nil.

JUDGE, FAMILY COURT,  
BHUBANESWAR.