

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 98 of 2015
(Under Section 13 (B) of Hindu Marriage Act, 1955)

Mr. Prabhat Kumar, aged about 33 years,
S/o-Sri Bhola Rai,
Permanent resident of At/P.O.-Chhitrauli, Via-Silout,
P.S.-Maniyari, Dist-Mazaffarpur, Bihar, Pin-843119
At present residing at Plot No. 284/3922, Govind Prasad,
P.O.-Rasulgarh, Bomikhal Canel Road, Bhubaneswar,
Odisha, Pin-751010.

..... Petitioner No. 1

AND

Mrs. Anamika Kumari, aged about 22 years,
W/o-Mr. Prabhat Kumar,
D/o-Pramod Kumar Singh
Permanent resident of Mohalla-Dhanauti,
At – Ram Prasad Chack, P.O./P.S.-Hajipur,
Dist-Vaishali, Bihar
At present residing at Flat No. 205, Devananda Vihar Apartment,
P.O.-Rasulgarh, P.S.-Mancheswar, Canel Road, Bomikhal,
Bhubaneswar, Dist-Khurda, Odisha, Pin-751010.

..... Petitioner No. 2

Date of Second Motion : 06.10.2015

Date of Judgment : 10.10.2015

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 on 21.06.2010. Due to differences arose between them which could not be resolved they started living separately since 15.01.2014. The petition was presented before this Court on 16.02.2015. 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 the petitioner No.1 is agreed to Rs. 20,000/- per month towards monthly maintenance of the petitioner No.2 and the said amount will be enhanced from time to time as per the increase of salary of the petitioner No.1 and the petitioner No.1 will provide the said monetary assistance to the petitioner No.2 till she gets remarried or she will be capable of earning independently. Out of the above two conditions which ever will come first the petitioner No.1 will stop making payment to the petitioner No.2 after giving at least three months prior notice to her. If in any circumstances, the petitioner No.2 will not remarry or will not earn independently, in that event the petitioner No.1 will go on paying the monthly maintenance of Rs. 20,000/- or more as per the then prevailing situation and salary of the petitioner No.1 and the monthly maintenance shall not be reduced to 30% of the gross salary of the petitioner No.1. It is also averred that 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 on 21.06.2010. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 15.01.2014. 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. 2 stated that she has she has no other claim except the one delineated at paragraph-2 of the judgment regarding monthly maintenance. In view of above arrangements by the parties, the petitioner No. 2, is not entitled to get any permanent alimony from petitioner No.1. Both of them stated on oath that they have been living separately 15.01.2014 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;

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. The petitioner No.1 is directed to pay monthly maintenance of Rs. 20,000/- to the petitioner No.2 and the said amount will be enhanced from time to time as per the increase of salary of the petitioner No.1 and the petitioner No.1 will provide the said monetary assistance to the petitioner No.2 till she gets remarried or she will be capable of earning independently. Out of the above two conditions which ever will come first the petitioner No.1 will stop making payment to the petitioner No.2 after giving at least three months prior notice to her. If in any circumstances, the petitioner No.2 will not remarry or will not earn independently, in that event the petitioner No.1 will go on paying the monthly maintenance of Rs. 20,000/- or more as per the then prevailing situation and salary of the petitioner No.1 and the monthly maintenance shall not be reduced to 30% of the gross salary of the petitioner No.1.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Dictated, corrected by me and is pronounced on this the 10th day of October, 2015.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Mr. Prabhat Kumar

P.W.2 Mrs. Anamika Kumari

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,

