

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

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

Civil Proceeding No. 528 of 2013  
(Under Section 13 (B) of Hindu Marriage Act, 1955)

Smt. Kumari Shalini, aged about 26 years,  
W/o- Sri Chittaranjan Choudhury,  
D/o- Sri K. Siba Narayan Patra,  
2/B, Nilakantha Apartment, Kanke Road,  
Chandi Chowk, Near Gandhi Nagar,  
Ranchi, Jharakhand,  
At present residing at C/o- Sri K. Baidyanath Patra,  
Plot No. 2, Jagannath Vihar, Bhubaneswar,  
Dist-Khurda.

..... Petitioner No. 1

Sri Chitaranjan Choudhury aged about 33 years,  
S/o-Sri N. Benugopal Choudhury,  
Satyakant Nivas,  
Plot No.-405, Laxmisagar, P.S.-Laxmisagar,  
Bhubaneswar-751006,  
Dist-Khurda.

... Petitioner No. 2

Date of argument : 21.07.2014

Date of judgment : 21.07.2014

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 as per Hindu rites and customs at Tirupati Kalyan Mandap, Jayadev Vihar, Bhubaneswar on 30.04.2011 and consummated at

Bhubaneswar. After some days of marriage they also went to Pune at the service place of petitioner No.2 and thereafter the petitioner No. 1 after completing his MCA course joined in Real Estate Company at Bhubaneswar. Some days after, due to indelible temperaments, thoughts and mental incompatibility, they are residing separately since 20.05.2012. 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 on 06.10.2013 there was a settlement between the parties in presence of their parents and relations and as per the settlement petitioner No. 2 has paid Rs. 5,00,000/- (Rupees five lakhs) to petitioner in shape of a bank draft/cheque as permanent alimony and the ornaments including Stridhana has been returned to and received by both of the parties and after that no party will have any claim in what so ever manner including ancestral and self acquired property against other in future in any form and the furniture, bags, baggage, clothes & gifts items also stand returned without any further claim. 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 30.04.2011 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 of opinion they are living separately since 20.05.2012. 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. 1-wife in her evidence has stated that she has received all her gold ornaments and along with permanent alimony for past, present and future. In view of the above admission of the petitioner No.1, she is not entitled to get any further maintenance from petitioner No. 2. The petition was filed on 07.10.2013. The petitioners are in the prime period of their youth. Both of them stated on oath that they have been living separately since 20.05.2012 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 21<sup>st</sup> day of July, 2014.

JUDGE, FAMILY COURT,  
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1           Smt. Kumari Shalini  
P.W.2           Sri Chittaranjan Choudhury

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,  
BHUBANESWAR.

