

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

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

Civil Proceeding No. 125 of 2014

(Under Section 28 of Special Marriage Act, 1954)

Madhusmita Nayak, aged about 27 years,  
D/o- Parmananda Nayak,  
Qtr. No. 2/31, South Colony,  
P.S.-Kansbahal, Dist-Sundargarh.

..... Petitioner No. 1

AND

Debasish Balabanta Ray, aged about 27 years,  
S/o- Bhaskar Chandra Balabanta Ray,  
Permanent resident of LB-73, Housing Board Colony,  
P.O.-Kapil Prasad, Bhimtang, P.S.-Airfield,  
Bhubaneswar, Dist-Khurda.

..... Petitioner No. 2

Date of argument : 17.12.2014

Date of judgment : 17.12.2014

J U D G M E N T

The petitioners have filed this application Under Section 28 of Special Marriage Act, 1954 for divorce by mutual consent.

2. The facts of the case of the petitioners are that their marriage was solemnized before the Marriage Officer, Khurda at Bhubaneswar on 28.08.2012 vide marriage certificate No. 650/2012 (Ext. 1) and consummated their marriage. Due to differences arose between them which could not be resolved and they started living separately after ten

days of marriage. The petition was presented before this Court on 04.04.2014. Therefore, they have been living separately more than two years. The petition was filed more than six months i.e. on 04.04.2014. It is further averred that several attempts have been made by the family members, friends and well wishers for their reunion but in vain. 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 28.08.2012 before the Marriage Officer Khurda at Bhubaneswar vide Marriage Certificate No. 650/2012 (Ext.1). After the marriage, due to indifferent temperament, and mental incompatibility and difference opinion they have been living separately after ten days of marriage. Although their friends and relatives tried their best to reunite them, reconciliation was not possible. The chance of reunion is remote and having no other alternative both of them decided to dissolve the marriage by mutual consent.

4. Petitioner No. 1-wife in her evidence has stated that she has no claim of any alimony for past, present and future. In view of above admission by the petitioner No. 1, she is not entitled to get any alimony from petitioner No.2. The petition was filed on 04.04.2014. The petitioners are in the prime period of their youth. Both of them stated on oath that they have been living separately after ten days of marriage 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;

#### ORDER

The petition for divorce by mutual consent is allowed. A decree of divorce is passed and the Marriage Certificate bearing No. 650/2012 is treated as cancelled and the marriage between the petitioner No. 1 and

petitioner No. 2 is hereby declared dissolved with effect from the date of decree.

JUDGE, FAMILY COURT,  
BHUBANESWAR.

Dictated, corrected by me and is pronounced on this the 17<sup>th</sup> day of December, 2014.

JUDGE, FAMILY COURT,  
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1        Madhusmita Nayak  
P.W.2        Debasish Balabanta Ray

List of documents admitted by petitioners:

Ext. 1        Marriage Certificate bearing No. 650 of 2012.

JUDGE, FAMILY COURT,  
BHUBANESWAR.