

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 172 of 2013
(Under Section 28 of the Special Marriage Act, 1954)

Birendra Pratap Behera, aged about 30 years,
S/o- Pramod Kumar Behera
of Vill.-Rajanagar, Dist-Kendrapara,
At present-N-6/143, I.R.C. Village, P.S.-Nayapalli,
Bhubaneswar, Dist-Khurda.

..... Petitioner No. 1

Suchismita Dash, aged about 26 years,
D/o- Bipra Charan Dash,
of Nigam Nagar, P.S.-Baidyanathpur,
Dist-Ganjam.
At present No. 2/164, IRC Village, P.O./P.S.-Nayapalli,
Bhubaneswar, Dist-Khurda.

... Petitioner No. 2

Date of argument : 16.09.2014

Date of judgment : 16.09.2014

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 case of the petitioners in brief is that their marriage was solemnized before the District Sub-Registrar-cum-Marriage Officer, Bhubaneswar on 04.03.2009 vide Ext. 1. After marriage, they did not live together as husband and wife for a single day though they are officially husband and wife. Due to differences arose between them which could not be resolved and as such they have been living

separately since 04.03.2009. Therefore, they have been living separately more than five years i.e. on 04.03.2009. The petition was filed more than one year back i.e. on 08.04.2013. It is further averred that several attempts have been made by the family members, friends and well wishers for their reunion but in vain. 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 04.03.2009 before District Sub-Registrar-cum-Marriage Officer, Bhubaneswar on 04.03.2009 vide marriage certificate bearing No. 127/2009. After the marriage, due to indifferent temperament, and mental incompatibility and difference opinion they have been living separately since date of marriage i.e. on 04.03.2009. 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. 2-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. 2, she is not entitled to get any alimony from petitioner No.1. The petition was filed on 08.04.2013. The petitioners are in the prime period of their youth. Both of them stated on oath that they have been living separately since 04.03.2009 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;

ORDER

The petition for divorce by mutual consent is allowed. A decree of divorce is passed and the Marriage Certificate bearing No. 127/2009 is

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 16th day of September, 2014.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Birendra Pratap Behera

P.W.2 Suchismita Dash

List of documents admitted by petitioners:

Ext. 1 Marriage Certificate bearing No. 127/2009.

JUDGE, FAMILY COURT,
BHUBANESWAR.