

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

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

Civil Proceeding No. 215 of 2012

Rashmirekha Sahoo, aged about 24 years,
W/o- Dayanidhi Sahoo
Flat No. 104, Dibya Vihar, Apartment,
Nageswar Tangi,
Lewis Road, P.S.-Lingaraj, Bhubaneswar.
Dist-Khurda.

... Petitioner

... Versus...

Binaya Kumar Giri, aged about 24 years,
S/o- Chakradhar Giri,
At Vill.-Patrapada,
P.O.-Unahat, P.S.-Chandipur,
Dist-Balasore.

... Respondent

Date of Argument: 17.03.2015

Date of Judgment : 30.03.2015

J U D G M E N T

The petitioner- wife sought a decree of nullity of marriage U/s-25 of the Special Marriage Act, 1954 (in short, the Act 1954) against the respondent-husband on the ground of fraud and non consummation of the marriage.

2. The facts of the case of the petitioner are that when she was studying in GNIIT at Satyanagar in the year 2009, the respondent was her senior bath-mate. Accordingly, they have developed intimacy. The respondent paltering the petitioner off giving a job abroad obtained the certificate and photograph for the purpose of Visa utilized the same in registering her marriage with him before Marriage Officer, Bhubaneswar after intoxicating her on 12.08.2010 vide Marriage Certificate bearing No. 512 of 2010. However, they have never

resided together as husband and wife. The marriage was only for name shake. The petitioner could know about such marriage when the respondent complained before Lingaraj Police Station that the petitioner father has confined his wife (the petitioner) after getting a telephonic call from the Lingaraj Police station. Hence, the petitioner filed this case to declare the marriage to null and void.

3. The respondent is set ex parte.

4. The petitioner in order to prove her case she, herself, has been examined as P.W.1 and relied on a document i.e. the Xerox copy of the Marriage Certificate bearing No. 512 of 2012. The petitioner while being as examined as P.W. 1 has supported the averments made in the petition. From his unchallenged testimony it is established that the respondent palming off the petitioner to a job abroad collected her certificate and photograph of the petitioner and got the marriage registered intoxicating the petitioner on 12.08.2010. The petitioner came to know the registration of marriage on 28.05.2012 when her father received a telephonic call from Lingaraj Police that the respondent made allegation against her father to have confined her in his house and thereafter the petitioner filed this case on 25.06.2012. She has further stated that the marriage has never been consummated and that the marriage is only for name shake. Since her aforesaid evidence has gone unchallenged as there has been no cross examination due to non participation of the respondent in the proceedings, the aforesaid statement of the petitioner (P.W.1) is accepted as true. Hence, the petitioner could establish the ground of fraud practice on her by the respondent in registering the marriage, the petitioner is entitled for the relief claimed. Hence, ordered:

ORDER

The petition of the petitioner is allowed ex-parte without cost. A decree of nullity of marriage by annulling the marriage between the petitioner and the respondent is passed and the marriage certificate bearing No. 512/2010

is hereby cancelled and the marriage between the petitioner and the respondent is hereby declared as void with effect from the date of decree.

JUDGE, FAMILY COURT,
BHUBANESWAR

Dictated, corrected by me and is pronounced on this the 30th day of March, 2015.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioner:

P.W.1 Rashmirekha Sahoo

Witnesses examined for the respondent:

None

List of documents by petitioner:

Ext.1 Xerox copy of the Marriage Certificate baring No. 512 of 2010

List of documents by respondent:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.