

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 265 of 2013

(Under Section 13 (B) of Hindu Marriage Act, 1955)

Udipta Kumar Behera, aged about 27 years,
S/o- Upendra Nath Behera,
At-Samalpur, P.O.-Baliala,
P.S.-Industrial, Dist-Balasore,
At present residing at Plot No. 128,
Sector-2, Niladri Vihar, Bhubaneswar,
P.S.-Chandrasekharapur, Dist-Khurda.

..... Petitioner No. 1

AND

Supriya Pani, aged about 27 years,
D/o-Brajakishore Pani,
LCR-517, Chand Colony, Rourkela,
P.S.-Sector-15, Dist-Sundargarh,
At present residing at Plot No. 2113/5131,
NCC Lane, Lewis Road, Bhubaneswar,
P.S.-Lingaraj, Dist-Khurda.

..... Petitioner No. 2

Date of argument : .2014

Date of judgment: 06.12.2014

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 case of the petitioners in brief is that their marriage was solemnized before the Marriage Officer at Bhubaneswar on 22.01.2009

vide marriage certificate No. 59/2009 (Ext. 1). Due to differences arose between them which could not be resolved and as such they have been living separately since 26.01.2011. Therefore, they have been living separately more than three years. The petition was filed more than one year i.e. on 18.05.2013. 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 22.01.2009 before the Marriage Officer Khurda at Bhubaneswar vide Marriage Certificate No. 59/2009 (Ext.1). After the marriage, due to indifferent temperament, and mental incompatibility and difference opinion they have been living separately since 26.01.2011. 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 18.05.2013. The petitioners are in the prime period of their youth. Both of them stated on oath that they have been living separately since 26.01.2011 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. 59/2009 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 6th day of December, 2014.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Udipta Kumar Behera

P.W.2 Supriya Pani

List of documents admitted by petitioners:

Ext. 1 Marriage Certificate bearing No. 59 of 2009

JUDGE, FAMILY COURT,
BHUBANESWAR.