

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

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

Civil Proceeding No. 311 of 2013

Md. Aslam Khan, aged about 22 years,  
S/o- Talim Khan,  
Presently residing at Plot No. 2122, Parij Colony,  
Sabara Sahi, Cuttack Road,  
P.O.-Budheswari, P.S.-Laxmisagar, Bhubaneswar,  
Dist-Khurda, Odisha.

... Petitioner

... Versus...

Priyadarshini Sahoo, aged about 20 years,  
D/o-Pramod Kumar Sahoo,  
Krushna Chandrapur Patna,  
At/P.O.-Kantilo, P.S.-Khandapada,  
Dist-Nayagarh, Odisha.

... Respondent

Date of Argument: 08.04.2015

Date of Judgment: 09.04.2015

J U D G M E N T

The petitioner Md. Aslam Khan has filed this Civil Proceeding U/s-25 of the Special Marriage Act, 1954(in short, the Act, 1954) to declare his marriage with the respondent Priyadarshini Sahoo as a nullity on the ground of non-consummation of the marriage.

2. The case of the petitioner inter alia, is that he and the respondent managed to register their marriage before the Marriage Officer, Bhubaneswar on 08.10.2013 vide marriage certificate No.915 of 2013 without the knowledge of their respective parents and after marriage, both of them lived separately in their respective house and their marriage was never consummated and as such the marriage was only for the name sake. It is further averred that after marriage, the respondent refused to consummate the marriage until the same was accepted by her parents. It is the further case of the petitioner that when he informed his parents about the marriage, they denied to accept the respondent as their daughter-in-law. When the respondent disclosed the fact of marriage, to her father, he threatened to disown her and commit suicide if she continued to have any contact with him. Thereafter both the parents became very strict with their respective wards and did not allow any contact between them and after one month of their marriage they have no contact with each other. Therefore, he has prayed to declare their marriage as nullity on the ground of non consummation of marriage.

3. The respondent filed W.S. admitted their marriage. She has further stated that they have not consummated their marriage. She also averred that after one month of marriage they have no contact with each other. She has further averred that she has no objection, if the marriage registration certificate be declared as nullity.

4. From the aforesaid pleading of the parties, the only question that requires to be adjudicated is whether there was no consummation of marriage and if so, what is its effect?

5. The petitioner in order to prove his case he, himself has been examined as P.W. 1. He has also relied upon Ext. 1, the marriage certificate bearing No. 915 of 2013 dated 18.10.2013. The respondent in order to negate the claim of the petitioner she, herself has been examined as R.W.1.

6. The nullity of the marriage is sought on the ground of non consummation of marriage. P.W. 1, the petitioner has stated that when he urged the respondent for sex, she denied on the ground of inter-caste marriage. R.W. 1, the respondent in her evidence has obvoluted the statement of the P.W. 1. Therefore, as the marriage has not been consummated due to willful refusal of the respondent and the marriage being a name-sake, petitioner is entitled to annulment of marriage by a decree of nullity. Hence, ordered;

O R D E R

The petition filed by the petitioner succeeds. The marriage between the petitioner and the respondent dated 08.10.2013 vide Ext. 1 is hereby annulled. The Marriage Certificate vide Ext. 1 be cancelled after the expiry of the appeal period.

JUDGE, FAMILY COURT,  
BHUBANESWAR.

Dictated, corrected by me and is pronounced on this the 9<sup>th</sup> day of April, 2015.

JUDGE, FAMILY COURT,  
BHUBANESWAR.

Witnesses examined for the petitioner:

P.W.1 Md. Aslam Khan

Witnesses examined for the respondent:

R.W. 1 Priyadarshini Sahoo

List of documents by petitioner:

Ext. 1 Certified copy of the marriage certificate bearing No. 915 of 2013

List of documents by respondent:

Nil

JUDGE, FAMILY COURT,  
BHUBANESWAR.