

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 323 of 2013
(Under Section 28 of the Special Marriage Act, 1954)

Kamini Ranjan Beura, aged about 28 years,
S/o- Kishore Chandra Beura,
of Vill/P.O.-Kusumapur, P.S.-Asureswar,
Dist-Kendrapara.
At Present Plot No. 1731/1732,
Gajapati Nagar, Bhubaneswar,
P.S.-Saheednagar, Dist-Khurda.

..... Petitioner No. 1

Gulpuch Das, aged about 24 years,
D/o- Debendra Kumar Das,
W/o-Kamini Ranjan Beura,
of Vill.-Rangamatia (RS),
Mancheswar, P.S.-Mancheswar,
Bhubaneswar, Dist-Khurda.

... Petitioner No. 2

Date of argument : 22.09.2014

Date of judgment : 22.09.2014

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 Marriage Officer Khurda at Bhubaneswar on 16.04.2008 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 17.04.2008 and they have no physical relation since the date of marriage as they have been residing separately from each other in their respective family members. Therefore, they have been living separately more than six years. The petition was filed on 02.07.2012. 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 16.04.2008 before the Marriage Officer Khurda at Bhubaneswar vide Marriage Certificate No. 223/2008. After the marriage, due to indifferent temperament, and mental incompatibility and difference opinion they have been living separately since 17.04.2008. 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 02.07.2013. The petitioners are in the prime period of their youth. Both of them stated on oath that they have been living separately since 17.04.2008 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;

O R D E R

The petition for divorce by mutual consent is allowed. A decree of divorce is passed and the Marriage Certificate bearing No. 223/2008 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 22nd day of September, 2014.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Kamini Ranjan Beura

P.W.2 Gulpuch Das

List of documents admitted by petitioners:

Ext. 1 Marriage Certificate bearing No. 223/2008

JUDGE, FAMILY COURT,
BHUBANESWAR.