

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

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

Civil Proceeding No. 352 of 2013

Jitesh Bal, aged about 29 years,  
S/o-Chaitanya Prasad Bal,  
At-Nuagan, P.O.-Bramhanidebi,  
P.S.-Korei, Dist-Jajpur.  
At present residing at:- C/o- Abhiram Sahoo,  
Plot No. L-3-84,  
Acharya Vihar, Bhubaneswar,  
Dist-Khurda.

... Petitioner

... Versus...

Rukmani Parida, aged about 31 years,  
W/o-Jitesh Bal,  
D/o-Sankar Parida,  
At/P.O-Parabandha,  
P.S.-Agarapada, Dist-Bhadrak,  
At present residing/working at  
Intra Life (A division of Intralabs)  
Sale Office # 11, 3<sup>rd</sup> Cross, Sudhama Nagar,  
(Off double road) Bangalore-560027.

... Respondent

Date of Argument : 11.03.2015

Date of Judgment : 25.03.2015

J U D G M E N T

The petitioner has filed a petition U/s. 13 (1) (i-a) (i-b) of the Hindu Marriage Act, 1955 (in short, the Act 1955) praying for a decree of dissolution of his marriage with the respondent on the grounds of desertion and cruelty.

2. The facts of the case of the petitioner are as follows:-

The marriage of the petitioner with respondent was solemnized as per Hindu Custom and rites in Parabandha, Bhadrak on 13.03.2003. It is the further case of the petitioner that after marriage both of them resided together as husband and wife in his rented house at Agarapada. After eight days of their marriage, the respondent insisted him to reside separately nearer to her parental home and to avoid daily quarrels and unpleasant situation in the family, he used to stay in Agarapada in a rented house. The respondent during her stay used to order him to wash clothes and cook food. The respondent also misbehaved and abused in vulgar languages to him and his family members at every opportunity stating that she never wanted to marry him. She has told him that she belonged an aristocrat family and it is against her dignity to do the daily chores in the house. She is destined for bigger things and the minor matters like cooking, washing and daily household works should be done by a maid servant. When he objected for the same and told that he has limited income, and it was not possible to appoint a maid servant at his meager income, the respondent told that whatever may be the situation she could not do the household chores. If he could not afford a maid servant, then he has to decide to do all the daily chores in house to avoid the nuisance. According to the petitioner, the respondent also spent hours with the cell phone and went to bed in the late hours of night and usually wakes up after 8 A.M. in the morning and he has to go to his working place without having a morsel of food as breakfast. The respondent on several occasions used to misbehave him in front of her family members. She has always demanded that he would disconnect all his relationship with his family members. She has also told him that she would never go to his wretched village where his wretched family live. On 27.07.2003 the respondent abused and beaten his mother in her footwear and without any rhyme or reason and without his consent went to her parental home and since then she has been residing in her parental home. Thereafter several attempts have been made from his side to bring her back to his company but all were in vain. It is further stated by the petitioner that the respondent threatened him to file false cases of dowry torture against him and to put him

behind the jail as she had very good acquaintancy with the local police personnel. Since the torture and cruelty by the respondent became intolerable the petitioner has filed this proceeding seeking a decree of divorce on the grounds of desertion and cruelty.

3. The respondent did not enter contest the petition and therefore, is set ex-parte.

4. The two points are required to be adjudicated in this proceeding. They are:- Firstly, whether there exists any desertion and cruelty on the part of the respondent to the petitioner to allow the petition for divorce and secondly, whether the respondent is entitled for alimony either permanent or monthly?

**Point No.1**

5. Whether, there exists any desertion and cruelty on the part of the respondent to allow the petition for divorce?

The petitioner in order to prove his case he, himself, has been examined as P.W.1 who supported the averments made in the petition. The petitioner sought divorce on the grounds of respondent's desertion and cruelty. It is needless to say Section 13 1 (i-b) of the Act, 1955 provides that the other party has deserted the petitioner for a continuous period of not less than two years immediately preceding the presentation of the petition. The petitioner at paragraph-7 of his petition has stated that the respondent deserted him since 27.07.2003. The petition of divorce in this case is presented in the Court on 15.07.2013. Thus, it is clearly established that the petition has been filed after completion of two years from the date as alleged by the petitioner. From the very tenor of the evidence, it is as much as clear as noon day that there has been total liquidation of obligation of marriage between the parties since 27.07.2003, meaning thereby that intentional permanent forsaking and abandonment of one spouse by the other without the others consent and without reasonable cause also meaning not permitting or allowing or facilitating cohabitation between the spouses. The respondent without any rhyme or reason deserted the petitioner and subjected him to cruelty. This conduct of the parties is a continuous one for last ten years. There is also blink chance of their reunion. Therefore, it is a fit case to snap

out the marital relation between parties by passing a decree of divorce. In other words the petitioner could establish the ground of desertion.

6. The residue point that remains to be discussed is cruelty. Misbehaving him and his family members at every opportunity in vulgar languages, pressuring the petitioner to do all household in absence of a maid servant, persuaded him to live separately from other family members, threatening to file false cases and denying sex for last ten years which are emerged out from the evidence of P.W. 1 are the circumstances of cruelty. Therefore, the petitioner could successfully establish the ground of cruelty which is also one of the ingredients U/s. 13 (1) (i-a) of the Act for granting a decree of divorce.

**Point No.2**

7. Whether the respondent is entitled for alimony either permanent or monthly?

The next point for consideration is that whether the respondent is entitled for alimony either permanent or monthly. Though the petitioner has stated that he is a service holder yet he has stated anything about his service and his salary. Therefore, it is established that the petitioner is service holder and having his own substantial income and a man of means. The respondent is aged about 31 years old at the time of filing of the present petition i.e. 15.07.2013 and therefore, by now she is aged about 33 years old. Life expectancy of a woman in Indian climate is about 70 years. Therefore, the petitioner is directed to pay permanent alimony of Rs. 10,00,000/- (Rupees ten lakhs) to the respondent. Accordingly, this issue is also answered in favour of the respondent. Hence, it is ordered;

**ORDER**

The suit and the same be decreed ex-parte in favour of the petitioner. A decree of divorce is passed and the marriage between the petitioner and the respondent is hereby declared dissolved with effect from the date of decree subject to payment of Rs. 10,00,000/- (Rupees ten lakhs) to the respondent towards her permanent alimony.

JUDGE, FAMILY COURT,  
BHUBANESWAR.

Dictated, corrected by me and is pronounced on this the 25<sup>th</sup> day of  
March, 2015.

JUDGE, FAMILY COURT,  
BHUBANESWAR.

Witnesses examined for the petitioner:

P.W.1         Jitesh Bal

Witnesses examined for the respondent:

None

List of documents by petitioner:

Nil

List of documents by respondent:

Nil

JUDGE, FAMILY COURT,  
BHUBANESWAR.