

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

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

Civil Proceeding No. 456 of 2012

Samrat Jena, aged about 23 years,
S/o- Late Sankar Jena,
Residing at - C/o Muralidhar Pradhan,
Plot No.EB-113, Badagada Brit Colony,
Bhubaneswar.

... Petitioner

... Versus...

Tikina Pati, aged about 21 years,
D/o- Late Ghanashyam Pati,
Permanently residing at- Malatipur,
P.O.-Kitdaspur, P.S./Dist.-Nayagarh,
at- At present residing at – N-3/188,
IRC Village, Nayapalli, Bhubaneswar.

... Respondent

Date of argument : 02.09.2014

Date of order : 16.09.2014

ORDER

The petitioner- husband sought a decree of divorce U/s-27(1) (d) of the Special Marriage Act, 1954 (in short, the Act 1954) against the respondent- wife on the ground of cruelty.

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

The petitioner and the respondent were in love and they ultimately

decided to marry each other and accordingly they solemnized their marriage before the Marriage Officer, Bhubaneswar on 25.8.2011. However, there was a mutual agreement between them that the consummation of the marriage be deferred until the marriage of the elder sister of the petitioner is complete. Two months after the marriage the respondent backed out from the aforesaid mutual arrangement and insisted the petitioner to take her to his house and when the petitioner reminded her about the aforesaid mutual arrangement the respondent threatened to commit suicide by taking sleeping pills and in fact took sleeping pills on 18.10.2012 after abusing and humiliating him in public at VIP Square, Bhubaneswar. Not only that the respondent has also filed criminal cases against the petitioner causing mental torture, frustration and depression. As the torture of the respondent makes his life miserable and impossible to live with the respondent, the petitioner has come up to this forum seeking dissolution of his marriage with the respondent by passing a decree of divorce on the ground of cruelty.

3. The respondent is set ex parte.

4. 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. From his unchallenged testimony it is established that the petitioner married the respondent on 25.8.2011 before the Marriage Officer, Bhubaneswar and the consummation of marriage was

deferred on mutual agreement until the marriage of the elder sister of the petitioner be complete. It is also established that the respondent backed out from the mutual agreement two months after the marriage by insisting the petitioner to take her to his house and when the petitioner reminded her about the mutual agreement the respondent make attempt to commit suicide by taking sleeping pills after publicly humiliating him at VIP Square, Bhubaneswar and also filed criminal cases against him. The above conduct of the respondent amounts to cruelty and hence, the petitioner succeeds to get a decree of divorce against the respondent. Hence, ordered:

O R D E R

The petition of the petitioner is allowed ex-parte without cost. A decree of divorce is passed and the marriage certificate bearing No. 651/2011 is hereby cancelled and the marriage between the petitioner and the respondent 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 16th day of September, 2014.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioner:

P.W.1 Samrat Jena

Witnesses examined for the respondent:

None

List of documents by petitioner:

Nil

List of documents by respondent:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.