

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 458 of 2014
(Under Section 28 of the Special Marriage Act, 1954)

Sanjaya Kumar Dalabehera, aged about 28 years,
S/o- Brundaban Dalabehera,
At-Malisahi, P.O.-Rankadeuli,
Now (P.O.-Deulasahi),
P.S.-Sarankulu, Dist-Nayagarh,
At present- Kokila Garden Duplex No.1,
Pokhariput, Airfield, Dist-Khurda.

..... Petitioner No. 1

Santilata Nayak, aged about 27 years,
W/o- Sanjaya Kumar Dalabehera,
D/o-Chema Nayak,
At-Malisahi, P.O.-Rankadeuli,
Now (P.O.-Deulasahi),
P.S.-Sarankulu,
Dist-Nayagarh,
At present-Jharpada,
P.S.-Laxmisagar, Dist-Khurda.

... Petitioner No. 2

Date of argument : 22.11.2014

Date of judgment : 22.11. 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 facts of the case of the petitioners are that their marriage was solemnized before the Marriage Officer, Khurda at Bhubaneswar on

20.10.2009 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 they started living separately since the date of marriage i.e. from 20.10.2009 and they have no physical relation since the date of marriage. Therefore, they have been living separately more than five years. The petition was filed on 13.10.2014. 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. It is pertinent to mentioned here that this matter was taken up before expire of cooling period of six months as per the direction of the Hon'ble High Court passed in C.M.P. No. 1430 of 2014.

4. Both the petitioners were examined on oath as P.Ws. 1 and 2 respectively. They have stated unanimously that their marriage was solemnized on 20.10.2009 before the Marriage Officer Khurda at Bhubaneswar vide Marriage Certificate No. 658/2009. After the marriage, due to indifferent temperament, and mental incompatibility and difference of opinion they have been living separately since the date of marriage i.e. on 20.10.2009. Although their friends and relatives tried their best to reunite them yet, 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.

5. 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 13.10.2014. The petitioners are in the prime period of their youth. Both of them stated on oath that they have been living separately since 20.10.2009 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 as a 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. 658/2009 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 August, 2014.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Sanjaya Kumar Delabehra

P.W.2 Santilata Nayak

List of documents admitted by petitioners:

Ext. 1 Marriage Certificate bearing No. 658/2009.

JUDGE, FAMILY COURT,
BHUBANESWAR.

