

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

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

Civil Proceeding No. 503 of 2013

(Under Section 13 (B) of Hindu Marriage Act, 1955)

Akshaya Kumar Dash, aged about 45 years,  
S/o- Late Hadibandhu Dash,  
Vill.-Puran, P.O.-Odapada, Via-Raghunathpur,  
P.S./Dist-Jagatsinghpur,  
At present:-C/o-Gopal Chandra Dash,  
Plot No. 3691, Prchi Vihar, Palasuni,  
P.O-G.G.P. Colony, P.S.-Mancheswar,  
Dist-Khurda.

..... Petitioner No. 1

AND

Soma Bose, aged about 35 years,  
W/o-Akshaya Kumar Dash,  
D/o-Sukumar Bose,  
Resident of Plot No. 32/977, Jagannath Nagar,  
Road No. 8,P.O.-G.G.P. Colony, P.S.-Mancheswar,  
Dist-Khurda.

..... Petitioner No. 2

Date of argument : .2014

Date of judgment: 06.12.2014

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 on 08.10.2002 and registered their marriage before the Marriage Officer, Khurda at Bhubaneswar vide marriage certificate No.

262/2002 and their marriage has not been consummated. After marriage, differences arose between them which could not be resolved and as such they have been living separately one day after the marriage i.e. from 08.10.2002. Therefore, they have been living separately more than twelve years. The petition was filed more than one year i.e. on 25.09.2013. 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 08.10.2002 before the Marriage Officer, Khurda at Bhubaneswar vide Marriage Certificate No. 262/2002 of 2009. After marriage, due to indifferent opinion, thought and temperament and habit they have been living separately since the date of marriage i.e. from 08.10.2002. 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 maintenance for her past, present and future against P.W. 1. In view of above admission of P.W.2, she is not entitled to get any further maintenance from P.W. 1. The petition was filed on 25.09.2013. Both of them stated on oath that they have been living separately since 08.10.2002 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;

ORDER

The petition for divorce by mutual consent is allowed. A decree of divorce is passed and the Marriage Certificate bearing No. 262/2002 is cancelled and the marriage between the petitioner No.1 and the 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 6<sup>th</sup> day of December, 2014.

JUDGE, FAMILY COURT,  
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Akshya Kumar Dash

P.W.2 Soma Bose

List of documents admitted by petitioners:

Ext. 1 Marriage Certificate bearing No. 262/2002

JUDGE, FAMILY COURT,  
BHUBANESWAR.

