

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

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

Civil Proceeding No. 84 of 2014

Kiran Prava Sarangi, aged about 19 years,
D/o- Chaitaranjan Sarangi,
At/P.O.-Gopei, P.S.-Patkura,
Dist-Kendrapara.
At present residing:- C/o-Anjan Kumar Mohapatra,
At-Sabalakana, P.O./P.S.-Kurunjanga,
Dist-Cuttack.

... Petitioner

... Versus...

1. Jyoti Ranjan Jena, aged about 22 years,
S/o- Dillip Kumar Jena
At-Badaraut Pati, P.O.-Kendupatna,
P.S.-Salipur, Dist-Cuttack.
At present residing At/P.O.-Itipur,
P.S.-Lingaraj, Bhubaneswar,
Dist-Khurda.
2. Dillip Kumar Jena,
At-Badaraut Pati, P.O.-Kendupatna,
P.S.-Salipur, Dist-Cuttack.
3. Smt. Mandakini Patra,
W/o-Dillip Kumar Jena,
At-Badaraut Pati, P.O.-Kendupatna,
P.S.-Salipur, Dist-Cuttack.

... Respondents

Date of Argument: 04.04.2015

Date of Judgment : 18.04.2015

J U D G M E N T

The petitioner- wife sought a decree of nullity of marriage U/s-25 of the Special Marriage Act, 1954 (in short, the Act 1954) against the respondent No.1 husband on the ground of fraud and non consummation of the marriage.

2. The facts of the case of the petitioner are that she was acquainted with the respondent through her aunt. The respondent No.1 paltering the petitioner off admitting her and marrying her obtained her signature on

some forms which he subsequently utilized in the registration of her marriage with him. After completion of one month, the respondent No.1 came to her hostel and took her to the Marriage Officer at Bhubaneswar in place of hospital and obtained her signatures on the marriage register and other documents under threat. She has further averred that on 24.12.2013 at about 6 A.M. the respondent No.3; the mother of the respondent No.1 told her over phone that she is their daughter-in-law and she should come to their house with all dowry articles and cash of Rs. 29,00,000/- which is kept in her name. When she disclosed the said fact before her parents, the respondent No.1 came to her hostel and threatened her to go with him lest she should be killed. Thereafter she was brought by her uncle to her native village from her hostel and since then she has been residing in her native village leaving her study. On 02.02.2014 the respondent No.2 and 3 at about 6 P.M. came to her house forced her to go with them with all dowry articles, ornaments and cash of Rs. 29,00,000/- or else the respondent No.1 would commit suicide in front of her house. Hence, the petitioner filed this case to declare the marriage as null and void.

3. The respondent is set ex parte.

4. The petitioner in order to prove her case she, herself, has been examined as P.W.1 and relied on a document i.e. the Xerox copy of the Marriage Certificate bearing No. 597 of 2013. The petitioner while being as examined as P.W. 1 has supported the averments made in the petition. From her unchallenged testimony it is established that the respondent palming off the petitioner for higher study obtained her signature on the Marriage Application form and submitted before the Marriage Officer and subsequently, after a month paltering her off to taking her to the hospital to the Marriage Officer, Bhubaneswar and obtained her signature on the marriage documents and registers under threat. She has further stated that the marriage has never been consummated. She has further stated that she came to know about the registration of the marriage from respondent No.3, the mother of the respondent No.1 who informed the petitioner to come to her house with dowry articles lest she should be killed on 24.12.2013. Since her aforesaid evidence has gone unchallenged as there has been no cross examination due to non participation of the respondents in the proceedings, the aforesaid statements of the petitioner

(P.W.1) is accepted as true. From the aforesaid tenor of the evidence, it is clearly established that the respondent No.1 paltering the petitioner off admitting her in higher education obtained her signature on statutory forms of registry marriage under fear of death and therefore, could succeed in registering their marriage before the Marriage Officer vide Ext. 1. Therefore, their marriage was solemnized exercising fraud on the petitioner by the respondent No.1. The petitioner could also establish another ground of non consummation of marriage, which one of the grounds for declaring the marriage as null and void. In fine, the petitioner is entitled to the relief she claimed in her petition. Hence, ordered:

O R D E R

The petition of the petitioner is allowed ex-parte without cost. A decree of nullity of marriage by annulling the marriage between the petitioner and the respondent is passed and the marriage certificate bearing No. 597/2013 is hereby cancelled and the marriage between the petitioner and the respondent is hereby declared as void with effect from the date of decree.

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Dictated, corrected by me and is pronounced on this the 18th day of April, 2015.

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Witnesses examined for the petitioner:

P.W.1 Smt. Kiran Prava Sarangi

Witnesses examined for the respondent:

None

List of documents by petitioner:

Ext.1 Xerox copy of the Marriage Certificate baring No. 597 of 2013

List of documents by respondent:

Nil

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