

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

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

Civil Proceeding No. 200 of 2014

Rashmita Behera, aged about 24 years,  
W/o- Subham Kumar Behera,  
D/o- Balaram Behera,  
At-Mahala Sahi, P.O.-Balakati,  
P.S.-Balianta, Dist-Khurda.

... Petitioner

... Versus...

Subham Kumar Behera, aged about 25 years,  
S/o- Bikram Chandra Behera,  
At/P.O.-Bhairipur, P.S.-Gop,  
Dist-Puri.  
At present Rangani Sahi, Balakati,  
P.O.-Balakati, P.S.-Balianta,  
Dist-Khurda.

... Respondent

Date of argument : 24.11.2014

Date of order : 25.11.2014

O R D E R

The petitioner- husband sought a decree of divorce U/s-27 of the Special Marriage Act, 1954 (in short, the Act 1954) against the respondent- husband on the ground of 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 before Marriage Officer, Khurda at Bhubaneswar on 02.08.2013 vide Ext. 1 (Marriage Certificate bearing No. 712 of 2013) According to the petitioner, their marriage was for a name-shake. They did not live together as husband and wife for a single day and they have not consummated the marriage as they have been living separately with their respective family members. Due to difference arose between them which could not be resolved they started living separately after one day of marriage. It is

further averred that several attempts have been made by the family members of both sides for their reunion but in vain. It is further averred that prior to the marriage, it is agreed and decided between them that after registration of marriage, the respondent will take immediate steps for an arrange marriage but after registration of marriage, the behaviour, attitude of the respondent changed and he started humiliating and demanding dowry and threatened her if she will not bring any dowry, it is not possible on his part to go for an arrange marriage. After registration of marriage, the respondent started torturing her both physically and mentally only to extract some money from her father. Several times the respondent threatened her that you will do the service and I will enjoy your money/salary by taking liquor. She has further averred that, after registration of marriage, neither the respondent looked after her nor have taken any steps for their reunion. The respondent also did not handover the marriage certificate. On 03.05.2014 when she asked for the marriage certificate the respondent assaulted her in drunken stage and on 04.05.2014 at about 5.30 A.M. over phone the respondent called her to come to Balakati Chhak for receiving the marriage certificate and when she went there along with her parents, the respondent with the spell of liquor threatened her and her parents to murder them if she will take any steps against him, and also beaten her in open market. As the torture of the respondent makes her 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 her case she, herself, 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 02.08.2013 before the Marriage Officer Khurda at Bhubaneswar and they have not consummated their marriage. It is also established that the respondent backed out from the mutual agreement after registration of marriage. The respondent demanded dowry and assaulted her

in open market and threatened her and his parents. 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. 712/2013 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 25<sup>th</sup> day of November, 2014.

JUDGE, FAMILY COURT,  
BHUBANESWAR.

Witnesses examined for the petitioner:

P.W.1 Rashmita Behera

Witnesses examined for the respondent:

None

List of documents by petitioner:

Nil

List of documents by respondent:

Nil

JUDGE, FAMILY COURT,  
BHUBANESWAR.