

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 129 of 2013
(Under Section 13 (B) of Hindu Marriage Act, 1955)

1. Rashmita Prusty, aged about 24 years,
D/o- Debaraj Prusty,
W/o- Choudhury Anant Kishore Das,
At-Bedapur, P.O.-Bhairipur,
P.S.- Gop, Dist-Puri, Odisha.

..... Petitioner No. 1

2. Choudhury Anant Kishore Das, aged about 32 years,
S/o- Choudhury Sarat Chandra Das,
At-Gokhapara, P.O.-Karanj,
Via-Mahaklapara, P.S.-Marshaghai,
Dist-Kendrapra.

... Petitioner No. 2

Date of argument : 09.07.2014

Date of judgment : 09.07.2014

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 before the Special Marriage Officer, Bhubaneswar on 03.02.2011 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 and as such they have been living separately since 03.02.2011.

Therefore, they have been living separately more than three years. No child is born out of the wedlock of the petitioners. It is further averred that both of the petitioners are working in Appolo Hospital, Bhubaneswar. The petition was filed on 18.03.2013. 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. According to them, their consent has not been obtained by exercising fear, force, fraud, coercion or undue influence.

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 03.02.2011 before the Special Marriage Officer, Bhubaneswar vide Marriage Certificate No. 91/2011. 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 and as such they have been living separately since 03.02.2011. Both them stated that they have no claim of maintenance against each other as they are service holder and self-sufficient. 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. 1-wife in her evidence has stated that she has no claim of maintenance against P.W. 2 as she is a service holder and self-sufficient. The petition was filed on 18.03.2013. The petitioners are in the prime period of their youth. Both of them stated on oath that they have been living separately since 03.02.2011 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;

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. 91/2011 is 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 9th day of July, 2014.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Rashmita Prusty.

P.W.2 Coudhury Anant Kishore Das.

List of documents admitted by petitioners:

Ext. 1 Marriage Certificate bearing No. 91 of 2011.

JUDGE, FAMILY COURT,
BHUBANESWAR.