

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 195 of 2015
(Under Section 28 of Special Marriage Act, 1954)

Subhra Ranjan Dhal, aged about 27 years,
S/o- Madan Mohan Dhal,
Resident of Vill. Injanapur, P.O.-Arei, P.S.-Binjharpur,
Dist-Jajpur.
At present residing at Kalinga Vihar, K-6,
P.S.-Khandagiri, Dist-Khurda, Odisha.

..... Petitioner No. 1

AND

Sonali Srichandan, aged about 24 years,
W/o-Subhra Ranjan Dhal,
D/o-Dhruba Srichandan,
Vill.-Chamundiapali, Begunia, P.S.-Dist-Khurda.
At present residing at Qrs. No. MIG-II-13/20,
P.O./P.S.-Chandrasekharpur, Dist-Khurda.

..... Petitioner No. 2

Date of Second Motion : 30.09.2015

Date of Judgment : 30.09.2015

J U D G M E N T

The petitioners have filed this application Under Section 28 of Special Marriage Act, 1954 (in short the Act of 1954) for divorce with 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 28.01.2010 vide Marriage Certificate No. 04 of 2010 (Ext.1). Though their marriage was registered, they have not stayed together for a single day as husband and wife and therefore, their marriage was only name shake. The petition was presented before this Court on 26.03.2015. Therefore, they have been living separately more than five years. The petition was filed more than six months i.e. on 26.03.2015. 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 on oath as P.Ws. 1 and 2 respectively. They have stated unanimously that their marriage was solemnized before the Marriage Officer, Khurda at Bhubaneswar on 28.01.2010 vide Marriage Certificate No. 04 of 2010 (Ext.1). Though their marriage was registered they have not stayed together for a single day as husband and wife and therefore, their marriage was only name shake. 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 and their consent is free from any coercion and therefore, their consent is free consent.

4. Petitioner No. 2-wife in her evidence has stated that she has no claim of any alimony for past, present and future for herself. 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 26.03.2015. The petitioners are in the prime period of their youth. Both of them stated on oath that they have been living separately since last five years 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 between the petitioner No. 1 and petitioner No. 2 is hereby declared dissolved with effect from the date of decree and the Marriage Certificate bearing No. 04 of 2010 be cancelled.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Dictated, corrected by me and is pronounced on this the 30th day of September, 2015.

JUDGE, FAMILY COURT,

BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Subhra Ranjan Dhal

P.W.2 Sonali Srichandan

List of documents admitted by petitioners:

Ext. 1 Marriage Certificate bearing No. 04 of 2010

JUDGE, FAMILY COURT,
BHUBANESWAR.