

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 210 of 2015
(Under Section 28 of Special Marriage Act, 1954)

Monalisa Padhi, aged about 25 years,
W/o-Balaram Sharma,
D/o- Prahallad Padhi,
At-Sahaspur, P.O.-Erbang, P.S. Sadar Jajpur,
Dist-Jajpur
At present-Ekamra Vihar, Nayapalli,
P.S.-Nayapalli, Bhubaneswar, Dist-Khurda.

..... Petitioner No. 1

AND

Balaram Sharma, aged about 26 years,
S/o-Gouranga Sharma,
Resident at-Alipur, P.O.-Ramachandrapur, P.S.-Bari,
Dist-Jajpur.
At present residing at-Ekamra Vihar, Nayapalli,
P.S.-Nayapalli, Bhubaneswar, Dist-Khurda.

..... Petitioner No. 2

Date of Second Motion : 08.10.2015

Date of Judgment : 10.10.2015

J U D G M E N T

The petitioners have filed this application Under Section 28 (1) 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 26.05.2013 vide Marriage Certificate No. 615 of 2013 (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 08.04.2015. Therefore, they have been living separately more than one year. The petition was filed more than six months i.e. on 08.04.2015. 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 26.05.2013 vide Marriage Certificate No. 615 of 2013 (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. 1-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. 1, she is not entitled to get any alimony from petitioner No.2. The petition was filed on 08.04.2015. The petitioners are in the prime period of their youth. Both of them stated on oath that they have been living separately since last one year 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;

ORDER

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. 615 of 2013 be cancelled.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Dictated, corrected by me and is pronounced on this the 10th day of October, 2015.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Monalisa Padhi

P.W.2 Balaram Sharma.

List of documents admitted by petitioners:

Ext. 1 Marriage Certificate bearing No. 615 of 2013

JUDGE, FAMILY COURT,
BHUBANESWAR.