

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

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

Civil Proceeding No. 218 of 2013

Subhasis Satapathy, aged about 31 years,
S/o- Prafulla Kumar Satapathy
Plot No. 1616, Lingipur, P.O-Sisupalgarh,
P.S.-Lingaraj, Bhubaneswar,
Dist-Khurda.

... Petitioner

... Versus...

Sagarika Das, aged about 27 years,
W/o-Subhasis Satapathy,
D/o-Goutam Das,
of village-Alatalanga,
P.O-Kulashree, Via-Kasharda,
P.S.-Niali, Dist-Cuttack.

... Respondent

Date of argument : 19.08.2014

Date of order : 19.08.2014

ORDER

This order arises out of a petition u/s. 13 (1) of the Hindu Marriage Act, 1955 (in short, the Act 1955) praying for a decree of dissolution of marriage of the petitioner with the respondent on the ground of cruelty.

2. The fact of the case of the petitioner are that their marriage was solemnized on 29.01.2012 in village Alatalanga as per Hindu rites and customs and the marriage was consummated in the house of the

respondent at Plot No. 1616, Lingipur. Their marriage was a short lived. The de Tag started in their life fifteen days after the marriage, when the respondent insisted the petitioner to live separately from his old ailing parents and when the petitioner tried to persuade the respondent not to insist to live separately from the ailing parents being the only son, the respondent humiliated the petitioner by hurling abusive words at him. It is further stated in the petition that in the month of June, 2012, the respondent deserted the petitioner while carrying for two months and lastly she terminated the pregnancy without the knowledge of the petitioner and when the petitioner questioned the reason for termination of the pregnancy, the respondent replied him that she had no intention to live with the petitioner and therefore, she terminated the pregnancy. Since that date, the respondent did not return to her matrimonial home despite all efforts made by the petitioner and his well-wishers for reunion. The respondent has also filed a criminal case u/s. 498(A) and other alleged offences against the petitioner and his family members wherein the petitioner and his family members were released on anticipatory bail. Hence, the petition for dissolution of marriage on the ground of cruelty.

3. The respondent was set ex-parte.

2. The petitioner in order to prove his case, he, himself has been examined as P.W. 1. In his affidavit evidence, he has supported the averments made in his petition since there has been no cross examination, the evidence of P.W. 1 of the petitioner gone unchallenged. From his unchallenged evidence, it is very much clear that the respondent had deserted the petitioner since June, 2012. From the aforesaid tenor of the evidence, it is as much as clear as noon day that there has been total liquidation of obligation of marriage between the parties since June, 2012, meaning thereby that intentional permanent forsaking and abandonment of one spouse by the other without the

others consent and without reasonable cause also meaning not permitting or allowing or facilitating cohabitation between the spouses. The respondent without any rhyme and reason desexualized the petitioner. This conduct of the parties is a continuous one for last three years. There is also blink chance of their reunion. Additionally, termination of pregnancy and insisting the petitioner who is the only son to live separately from his ailing parents amounts to mental torture and cruelty. Therefore, it is a fit case to snap out the marital relation between parties by passing a decree of divorce. In other words the petitioner could establish the ground of cruelty which is one of the grounds to snap the marital relation between parties. Hence, it is ordered;

O R D E R

The petition is allowed ex-parte in favour of the petitioner. A decree of divorce is passed and the marriage between the petitioner and the respondent is hereby declared dissolved with effect from the date of decree. Since the parties are at their prime youth and therefore, is every likelihood of their remarriage and hence allowance of permanent alimony would amount to unjust enrichment to the respondent. Hence, I directed the Opp. Party to pay monthly alimony of Rs. 3,000/- to the respondent from the date of filing i.e. on 29.04.2013.

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BHUBANESWAR

Dictated, corrected by me and is pronounced on this the 19th day of August, 2014.

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BHUBANESWAR

Witnesses examined for the petitioner:

P.W.1 Subashish Satapathy

Witnesses examined for the respondent:

None

List of documents by petitioner:

Nil

List of documents by respondent:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR