

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 244 of 2014
(Under Section 25 (iii) of the Special Marriage Act, 1954)

Sri Siba Brata Nayak, aged about 30 years,
S/o- Sri Radhakanta Nayak,
At present residing at Plot No. 2065/3127,
P.S.-Mancheswar, Bhubaneswar, Dist-Khurda.

..... Petitioner

....Versus.....

Smt. Vijyeeni Sahoo, aged about 31 years,
W/o-Late Manas Ranjan Sahoo,
D/o-Sri Satyananda Sahoo,
Resident of Qrs. No. HB-15, Utkal University Campus,
Vani Vihar, New Govt. Colony, P.S.-Saheednagar,
Bhubaneswar, Dist-Khurda.

... Respondent

Date of Argument : 26.04.2016

Date of Judgment : 29.04.2016

J U D G M E N T

The petitioner-husband has filed this Civil Proceeding U/s-25 (iii) of the Special Marriage Act, 1954 (in short, the Act, 1954) to declare his marriage with the respondent-wife, as null and void on the grounds that his consent was obtained by practicing fraud and coercion.

2. The facts of the case of the petitioner are that he came contact with the respondent in the year 2009 when he was working in a Pvt. Ltd. Company in the name and style Maa Tareni Escon Pvt. Ltd., Saheednagar as the respondent was working as a councilor in another private company which is a sister concerned of Maa Tareni Escon Pvt. Ltd. Saheednagar. Taking advantage of the mixing of the petitioner with the respondent, the respondent started blackmailing him by showing different forged and manufactured documents. The respondent also coerced him to marry her

lest he would be ruined by her. On 02.06.2014 being forced by the respondent the marriage was registered before Marriage Officer, Khurda vide Ext.1. The respondent represented the petitioner as unmarried but in fact got married to one Manas Ranjan Sahoo, who died in a road accident at Delhi in the year 2008 and the said fact was vouch safed from Ext. 2/a and also from Ext. 3/a. The respondent also received the death compensation from the MACT Tribunal. In the marriage certificate, the respondent has disclosed as daughter of Satyananda Sahoo but not as the widow of Manas Ranjan Sahoo. When the petitioner came to know about the previous marital status of the respondent, the respondent avoided it. It is further alleged that no notice was issued before solemnization of the marriage. Hence, the petition.

3. The respondent did not enter contest the petition and therefore, is set ex-parte.

4. The only point formulated for determination of the case is whether the consent of the petitioner was obtained by fraud and coercion?

5. The petitioner in order to prove his case he, himself, has been examined as P.W.1 and relied on three documents. They are:- Ext. 1 the Marriage Certificate, Ext. 2 is the certified copy of the FIR and Ext. 2/a is the relevant portion of the respondent where she has mentioned that she is the widow of the Manas Ranjan Sahoo, Ext. 3 is the certified copy of the 161 statement of the respondent and Ext. 3/a is the relevant portion where she has mentioned that after death of her husband Manas Ranjan Sahoo, she married the present petitioner. The petitioner while being examined as P.W. 1 has supported the averments made in the petition. From his unchallenged testimony, it is established that the respondent by concealing her earlier marriage with Manas Ranjan Sahoo which is a material fact practiced fraud on the petitioner getting him married and therefore, the petitioner for the annulment of marriage by a decree of nullity. Hence, it is ordered;

ORDER

The petition of the petitioner is allowed ex-parte in favour of the petitioner without any cost. A decree of nullity by annulling the marriage

between the petitioner and the respondent is passed and the marriage certificate is hereby cancelled.

JUDGE, FAMILY COURT,
BHUBANESWAR

Dictated, corrected by me and is pronounced on this the 29th day of April, 2016.

JUDGE, FAMILY COURT,
BHUBANESWAR

Witnesses examined for the petitioner:

P.W.1 Sri Siba Brata Nayak

Witnesses examined for the respondent:

None

List of documents by petitioner:

Ext. 1 Certificate copy of the Marriage certificate

List of documents by respondent:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR