

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 245 of 2015

(Under Section 28 of the Special Marriage, Act, 1954)

Sri Akash Kumar Swain, aged about 25 years,
S/o-Sri Amulya Kumar Swain,
At/P.O.-Govindapur, P.S.-Tritol,
Dist-Jagatsinghpur.
At present:-C/2, Labour Colony, Kharavela Nagar,
P.O.-GPO, P.S.-Kharavela Nagar, Bhubaneswar,
Dist-Khurda.

..... Petitioner No. 1

AND

Smt. Debidatta Nanda, aged about 21 years,
W/o-Sri Akash Kumar Swain,
D/o-Nrusingh Charan Nanda,
At/P.O.-Govindapur, P.S.-Tirtol,
Dist-Jagatsinghpur.
At present residing at:-M.I.G.-1,54/3,
Housing Board Colony, Chandrasekharpur,
Bhubaneswar, Dist-Khurda.

..... Petitioner No. 2

Date of Second Motion : 01.03.2016

Date of Judgment : 01.03.2016

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 facts of the case of the petitioners are that their marriage was solemnized before the Marriage Officer Khurda at Bhubaneswar on 17.01.2013 Marriage Certificate bearing No. 43/2013 (Ext. 1) and they

have no issue out of their wedlock. 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 24.04.2015. Therefore, they have been living separately more than one year. The petition was filed more than six months i.e. on 24.04.2015. 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 17.01.2013 Marriage Certificate bearing No. 43/2013 (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. 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 24.04.2015. 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 Certificate bearing No. 43/2013 is hereby cancelled and the marriage between the petitioner No. 1 and petitioner No. 2 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 1st day of March, 2016.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Sri Akash Kumar Swain

P.W.2 Smt. Debidatta Nanda

List of documents admitted by petitioners:

Ext. 1 Marriage Certificate bearing No. 43/2013

JUDGE, FAMILY COURT,
BHUBANESWAR.