

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 252 of 2014

(Under Section 28 of Special Marriage Act, 1954)

Amita Pati, aged about 23 years,
D/o- Ashok Kumar Pati,
Vill./P.O.-Alkund, P.S.-Binjharpur,
Dist-Jajpur,
At present residing at Qrs. No. 2RA-38/2, Unit-8,
P.S.-Capital, Bhubaneswar, Dist-Khurda.

..... Petitioner No. 1

AND

Rakesh Kumar Satapathy,
S/o- Kedar Nath Sathpathy,
At/P.O.-Abhayamukhi, P.S.-Balipatna,
Dist-Khurda.
At present residing at Qrs. No. F-1/16,
Back side of Raja Bhawan, Unit-8, P.S.-Capital,
Bhubaneswar, Dist-Khurda.

..... Petitioner No. 2

Date of Argument : 08.01.2015

Date of Judgment : 08.01.2015

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 29.12.2012 vide marriage certificate No. 772/2012 (Ext. 1). After

marriage, they did not live together as husband and wife for a single day though they are officially husband and wife. Due to differences arose between them which could not be resolved they started living separately since 29.12.2012. The petition was presented before this Court on 30.06.2014. Therefore, they have been living separately more than one and half year. The petition was filed more than six months i.e. on 30.06.2014. 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 in oath as P.Ws. 1 and 2 respectively. They have stated unanimously that their marriage was solemnized on 29.12.2012 before the Marriage Officer Khurda at Bhubaneswar vide Marriage Certificate No. 772/2012 (Ext.1). After the marriage, due to indifferent temperament, and mental incompatibility and difference opinion they have been living separately since 29.12.2012. 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.

4. Petitioner No. 1-wife in her evidence has stated that she has no claim of any alimony for past, present and future. 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 30.06.2014. The petitioners are in the prime period of their youth. Both of them stated on oath that they have been living separately since 29.12.2012 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. 772/2012 is treated as 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 8th day of January, 2015.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Amita Pati
P.W.2 Rakesh Kumar Satapathy

List of documents admitted by petitioners:

Ext. 1 Marriage Certificate bearing No. 772 of 2012.

JUDGE, FAMILY COURT,
BHUBANESWAR.