

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 335 of 2014

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

Mohanty Rupasmita Madhumita, aged about 25 years,
W/o-Sri Subhashisa Khandual,
D/o-Sri Ranjan Kumar Mohanty,
At-Arana, P.O.-Patasara, P.S./Dist-Jagatsinghpur.
..... Petitioner No. 1

AND

Sri Subhashisa Khandual, aged about 24 years,
S/o-Sri Sarat Chandra Khandual,
EB-146, Badagada Brit Colony, P.O.-Badagada Brit Colony,
P.S.-Badagada, Bhubaneswar, Dist-Khurda.
..... Petitioner No. 2

Date of Second Motion : 18.04.2016

Date of Judgment : 18.04.2016

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 21.02.2013 vide Marriage Certificate bearing No. 202/2013 (Ext. 1) and they have no issue out of their wedlock. Though their marriage was registered yet, they have not stayed together for a single day as husband and wife and therefore, their marriage was only for name shake. The petition was presented before this Court on 11.08.2014. Therefore, they have been living separately more than one year. The petition was filed

more than six months i.e. on 11.08.2014. 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 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 21.02.2013 vide Marriage Certificate bearing No. 202/2013 (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.

2. 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 11.08.2014. 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. 202/2013 is hereby cancelled.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Dictated, corrected by me and is pronounced on this the 9th day of April, 2016.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Smt Mohanty Rupasmita Madhumita

P.W.2 Sri Subhashisa Khandual

List of documents admitted by petitioners:

Ext. 1 Marriage Certificate bearing No. 202/2013

JUDGE, FAMILY COURT,
BHUBANESWAR.