

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 360 of 2013

(Under Section 13 (B) of Hindu Marriage Act, 1955)

Monalisha Mohapatra, aged about 26 years,
W/o- Biplaba Kumar Nayak,
D/o-Sudhansu Sekhar Mohapatra,
Vill-Podasahi, Indira Field Lane,
P.S.-Pipilli, Dist-Puri.

..... Petitioner No. 1

AND

Biplaba Kumar Nayak, aged about 29 years,
S/o- Amarendra Nayak,
Vill.- Udayapur, P.S.-Kakatpur,
Dist-Puri.

..... Petitioner No. 2

Date of argument : 06.08.2014

Date of judgment : 06.08.2014

J U D G M E N T

The petitioners have filed this application Under Section 28 of the Special Marriage Act, 1954 (hereinafter be referred as the Act of 1954) for divorce by mutual consent.

2. The case of the petitioners in brief is that their marriage was solemnized before Marriage Officer Khurda at Bhubaneswar on 08.11.2005 vide Marriage Certificate No. 407 of 2005. They have no

conjugal relationship since the date of marriage and resided in their respective parental houses. Thereafter differences arose between them which could not be resolved and as such they have been living separately since 08.11.2005. Therefore, they have been living separately more than eight years. The petition was filed on 17.07.2013. 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. According to them, their consent has not been obtained by exercising fraud, coercion or undue influence.

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 08.11.2005 before the Marriage Officer Khurda at Bhubaneswar vide Ext. 1. After marriage, due to indifferent temperament, and mental incompatibility and difference opinion they have been living separately since the date of marriage i.e. from 08.11.2005. 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 the above admission of petitioner No.1, she is not entitled to get any maintenance

from petitioner No. 2. The petition was filed on 17.07.2013. The petitioners are in the prime period of their youth. Both of them stated on oath that they have been living separately since 08.11.2005 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 bar to their future life. The petition of the petitioners succeeds. Hence, it is ordered;

O R D E R

The petition for divorce by mutual consent is allowed. A decree of divorce is passed and the Marriage Certificate bearing No. 407 of 2005 is 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 5th day of August, 2014.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Monalisha Mohapatra

P.W.2 Biplaba Kumar Nayak

List of documents admitted by petitioners:

Ext. 1 Marriage Certificate bearing No. 407 of 2005.

JUDGE, FAMILY COURT,
BHUBANESWAR.