

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 386 of 2014
(Under Section 28 of Special Marriage Act, 1954)

Shri Sambit Pattnaik, aged about 27 years,
S/o-Shri Subash Chandra Pattnaik,
Resident of Vill./P.O./P.S.-Jagda, Rourkela,
Dist-Sundergarh.

..... Petitioner No. 1

AND

Sonu Sharma, aged about 27 years,
W/o-Shri Sambit Pattnaik,
D/o-Shri Shadirma Sharma,
Permanent resident of Plot No. 1348/9(C), Sector-6, CDA,
Abhinab Bidanasi, P.S.-Markanagar, Cuttack-14,
Dist-Cuttack.
At present Plot No. 71-C, Jayadurga Nagar, Bomikhal,
P.S.-Laxmisagar, Bhubaneswar, Dist-Khurda.

..... Petitioner No. 2

Date of Second Motion : 29.09.2015

Date of Judgment : 10.10.2015

J U D G M E N T

The petitioners have filed this application Under Section 28 of Special Marriage Act, 1954 (in short the Act of 1954) for divorce with mutual consent.

2. The facts of the case of the petitioners are that their marriage was solemnized before the Marriage Officer, Cuttack on 11.06.2013 vide Marriage Certificate No. 133 of 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. The petition was presented before this Court on 03.09.2014. Therefore, they have been living separately more than one year. The petition was filed more than six months i.e. on 03.09.2014. 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, Cuttack on 11.06.2013 vide Marriage Certificate No. 133 of 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 03.09.2014. 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. 133 of 2013 be cancelled.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Dictated, corrected by me and is pronounced on this the 10th day of October, 2015.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Shri Sambit Pattnaik

P.W.2 Sonu Sharma

List of documents admitted by petitioners:

Ext. 1 Marriage Certificate bearing No. 133 of 2013

JUDGE, FAMILY COURT,
BHUBANESWAR.