

## IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 400 of 2015

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

Sri Gautam Dash, aged about 37 years,  
S/o-Raghu Dash,  
Permanent resident of Sakuntala Sadan,  
Gopalpur, P.S.-Sadar (Cuttack), Town/Dist-Cuttack.  
Odisha-753011.

..... Petitioner No. 1

AND

Smt. Priyanka Khandelwal, aged about 30 years,  
W/o-Sri Gautam Dash,  
D/o-Late Ram Avtar Khandelwal,  
Permanent resident of Godawari Kunj,  
Plot No. 1049, Uppar Sahi, At/P.O./P.S.-Laxmisagar,  
Bhubaneswar, Dist-Khurda, Odisha-751001.

..... Petitioner No. 2

Date of Second Motion : 25.01.2016

Date of Judgment : 25.01.2016

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 17.11.2005 vide marriage certificate bearing No. 418 of 2005 (Ext. 1) and they have no issue out of their wedlock. Due to differences arose between them which could not be resolved they started living separately since

10.10.2011. The petition was presented before this Court on 01.07.2015. Therefore, they have been living separately more than three years. The petition was filed more than six months i.e. on 01.07.2015. It is averred by the parties that they have no claim of maintenance against each other for past present and future. 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 before the Marriage Officer Khurda at Bhubaneswar on 17.11.2005 vide marriage certificate bearing No. 418 of 2005 (Ext. 1) and they have no issue out of their wedlock. Due to differences arose between them which could not be resolved they started living separately since 10.10.2011. 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. 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 01.07.2015. The petitioners are in the prime period of their youth. Both of them stated on oath that they have been living separately since 10.10.2011 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. 418 of 2005 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 25<sup>th</sup> day of January, 2016.

JUDGE, FAMILY COURT,  
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1        Sri Gautam Dash,  
P.W.2        Smt. Priyanka Khandelwal

List of documents admitted by petitioners:

Ext. 1        Marriage Certificate bearing No. 418 of 2005.

JUDGE, FAMILY COURT,  
BHUBANESWAR.