

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

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

Civil Proceeding No. 432 of 2014

Smt. Prity Prangya Lenka, aged about 20 years,
W/o.- Shoubhagya Ketan Jena,
D/o-Pramod Kumar Lenka,
Residing at-LB-7, Jail Road,
P.O./P.S.-Laxmisgar, Bhubaneswar,
Dist-Khurda, Odisha.

... Petitioner

... Versus...

Sri Shoubhagya Kenta Jena, aged about 23 years,
S/o-Sri Raghunath Jena,
At-Naragoda, P.O./P.S.-Tamando,
Bhubaneswar, Dist-Khurda, Odisha.

... Respondent

Date of Argument : 05.10.2015

Date of Judgment : 06.10.2015

J U D G M E N T

The petitioner-wife, Smt. Prity Prangya Lenka has filed a petition U/s. 13 (1) (i-a) of the Hindu Marriage Act, 1955 (in short, the Act 1955) read with Section 11 of the Hindu Marriage Act praying for a decree of dissolution of her marriage with the respondent-husband, Sri Shoubhagya Ketan Jena on the ground of cruelty.

2. The facts of the case of the petitioner are as follows:-

The marriage of the petitioner with respondent was solemnized as per Hindu Custom and rites in Bata Akhandalamani Temple, Court area, Kalpana Square, Bhubaneswar on 13.11.2013 and thereafter again the family members of both the parties have solemnized their marriage on 03.03.2014 According to the petitioner, her father had fulfilled all the demand of the

respondent and his family members at the time of marriage. After one month of marriage, the respondent and his family members demanded additional demand of Rs. 2,00,000/- and when she showed her inability to fulfill the same, she was subjected to torture both physically and mentally. It is further averred by her that the respondent paltering her off as a Civil Contractor married her but after marriage, it came to her knowledge that he has no work and the respondent is an antisocial who used to take alcohol and drugs on each and every day. It is alleged by her that the younger brother of the respondent always tried to keep physical relationship with her in absence of other family members and when she intimated the same fact to the respondent, he did not hear anything from her, rather he supported his brother. In the month of April, 2014 when the torture became unbearable, she telephoned to the PCR and police personal rescued her and thereafter she came to her parental home and intimated the said fact to the Mahila Police Station. On 19.04.2014 there was mutual agreement between them in Mahila Police Station in presence of both the family members and as per the agreement, the petitioner will receive all the articles from the house of the respondent and also there will be a mutual divorce between both the parties. On 21.04.2014 the respondent and his family members submitted a written undertaking before Mahila Police Station, Bhubaneswar not to torture the petitioner any further duly signed by the father of the respondent. Three to four days thereafter, the father of the respondent came to her parental home and requested her father to take back the petitioner to his house and accordingly she went to her matrimonial home. It is alleged by her some days thereafter she was subjected to torture both physically and mentally by the respondent and his family members. They did not provide food and day to day requirements to her. The respondent also forced her to keep physical relationship with her. It is further alleged by her that the respondent also abused her in filthy languages and threatened to kill her if his additional demand of dowry would not be fulfilled within a short period. Once the respondent assaulted her severely for which she could not able to get up from

bed for two days and when the respondent and his family members planned to murder her, she came to her parental home in the month of June, 2014. Few days thereafter, the respondent came to her parental home and convinced her not to torture her in future for which she came to the house of the respondent in the month of August, 2014 but few days after he repeated his previous activities. It is further alleged by her that her pregnancy was terminated due to administration of medicines by the respondent and his family members. Thereafter she intimated the said fact to her father and accordingly her father came to her matrimonial home and took her to his house and since then she has been residing there. It is also averred by her that in the month of September, 2014 the respondent and some antisocial came to her parental home in order to kidnap her. They have also abused her in front of her parental home for which she has lodged an FIR before Mahila Police Station, vide P.S. Case No. 281/2014 on 16.09.2014 U/s. 498(A), 323, 294, 506, 313 and 34 IPC and U/s. 4 D.P. Act. According to the petitioner, the respondent has not given the gold and silver ornaments and household articles given to her at the time of marriage. Since the respondent debarred him from any marital relationship, she has filed this proceeding seeking a decree of divorce on the ground of cruelty.

3. The respondent did not enter contest the petition and therefore, is set ex-parte.

4. The only question for determination of the case is whether the circumstances and back grounds depicted in the narration of the petitioner's case constitute cruelty by the respondent on the petitioner and if so, whether the petitioner is entitled for a decree of divorce?

5. The petitioner in order to prove her case she, herself, has been examined P.W. 1 and relied on Ext. 1 is the xerox copy of the FIR dated 10.03.2015 and Ext. 2 is the xerox copy of the FIR dated 04.09.2015.

6. The petitioner sought divorce on the ground of respondent's cruelty. From the unchallenged testimony of the petitioner, it is established that the

petitioner was subjected to torture both physically and mentally due to non fulfillment of additional demand of Rs. 2,00,000/- by the Opp. Party and his family members. The conduct of the respondent and his family members on this affront unabated. Apart from that the petitioner was forced to keep physical relationship with the younger brother of the respondent. The respondent and his family members have also terminated the pregnancy of the petitioner by administering medicines without her consent. These facts and circumstances, clearly established mental cruelty and therefore, it is a fit case to snap out the marital relationship between the parties. Hence, it is ordered;

O R D E R

The petition is allowed ex-parte in favour of the petitioner. A decree of divorce is passed and the marriage between the petitioner and the respondent 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 06th day of October, 2015.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioner:

P.W.1 Smt. Prity Prangya Lenka

Witnesses examined for the respondent:

None

List of documents by petitioner:

Ext. 1 FIR dated 10.03.2015

Ext. 2 FIR dated 04.09.2015

List of documents by respondent:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.