

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

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

Civil Proceeding No. 436 of 2015

Smt. Mina Bhoi, aged about 26 years,
W/o-Sri Adei Samal
Resident of village/P.O.-Mendhasal,
P.S.-Chandaka, Bhubaneswar,
Dist-Khurda.

... Petitioner

... Versus...

Sri Adei Samal, aged about 33 years,
S/o-Late- Jayaram Samal,
Resident at/P.O.-Sundarapada, (Bhoi Sahi),
P.S.-Airfield, Bhubaneswar, Dist-Khurda.

... Respondent

Date of Argument : 27.04.2016

Date of Judgment : 29.04.2016

J U D G M E N T

The petitioner-wife has filed a petition U/s. 13 (1) (i-a) and (i-b) of the Hindu Marriage Act, 1955 (in short, the Act 1955) praying for a decree of dissolution of her marriage with the respondent-husband on the grounds of desertion and 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 her parental home on 29.06.2009. It is the case of the petitioner that after one and half years of marriage, she was subjected to torture both physically and mentally by the respondent. It is alleged by her that the respondent came to home in the late hours of night

by taking liquor and when she asked about it, the respondent became violent and assaulted her brutally with the spell of liquor. It is further alleged by her that when she told it to the mother of the respondent, she became silent. On 02.01.2010 at about 9 P.M., the respondent with the spell of liquor without rhyme or reason assaulted her and forcibly driven her out from his house. Finding no alternative, she has taken shelter in her parental home leaving all her belongings in her matrimonial home. Thereafter, several attempts have been made from her side to settle the dispute but all were in vain due to willful refusal of the respondent. It is further alleged by the petitioner that both of them have filed a joint petition under Section 13 (B) of the Act for mutual divorce before this Court vide C.P. No. 274 of 2014 but the respondent did not come to the Court, finding no alternative she has filed this proceeding seeking a decree of divorce on the grounds of desertion and cruelty. Before delving depth into the merit of the case, at the outset, it would be pertinent to mention that the parties of the present proceeding have filed another proceeding U/s. 13 (B) of the Act of 1955 on 09.07.2014 and while that matter is subjudiced, the present proceeding is filed on 13.07.2015. Two parallel proceedings for the same relief is not maintainable and thus, while earlier proceeding vide C.P. No. 274 of 2014 is pending, the present proceeding being not maintainable is liable to be dismissed and hence, it is ordered;

O R D E R

The petition of the petitioner is dismissed but without any cost.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Dictated, corrected by me and is pronounced on this the 29th day of April, 2016.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioner:

P.W.1 Smt. Mina Bhoi

Witnesses examined for the respondent:

None

List of documents by petitioner:

Nil

List of documents by respondent:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.