

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 465 of 2013

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

Tapas Ram, aged about 25 years,
S/o- Barendra Ram,
At/P.O.-Haladiapada,
P.S.-Basta, Dist-Balasore,
At present residing at Sundarpada,
P.S-Airfield, Dist-Khurda, Odisha.

..... Petitioner No. 1

AND

Rashmi Prava Das, aged about 22 years,
W/o- Tapas Ram,
D/o- Tapan Kumar Das,
At/P.O- Haladiapada, P.S.-Basta,
Dist-Balasore.

..... Petitioner No. 2

Date of argument : 05.08.2014

Date of judgment : 05.08.2014

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 D.S.R-cum-Marriage Officer, Bhubaneswar in presence of parents, family members, friends, and relatives of both parties on

12.04.2010 and consummated their marriage at the parental house of the petitioner No.1. Some days thereafter differences arose between them which could not be resolved and as such they have been living separately since 03.05.2011. Therefore, they have been living separately more than three years. The petition was filed more than eleven months back i.e. 06.09.2013. It is further averred that several attempts have been made by the family members, friends and well wishers for their reunion but in vain. It is further averred that petitioner No. 1 had already returned back all the household articles including gold and silver ornaments and gifts items given at the time of marriage or before marriage in presence of parents and family members of both the parties. 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 fear, force, fraud, coercion or undue influence.

3. Both the petitioners were examined on oath as P.Ws. 1 and 2 respectively. They have stated unanimously that their marriage was registered on 12.04.2010 and solemnized according to Hindu rites and customs. Due to indelible temperament, and mental incompatibility and difference of opinion they have been living separately since 03.05.2011. Although their friends and relatives tried their best to reunite them, reconciliation was not possible. A chance of reunion was 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 had received back all the household articles including the gold and silver ornaments and gift items given at the time of marriage and before or after the marriage, in presence of parents and family members of both the parties and she has further stated that she no claim of any alimony for past, present and future from petitioner No.1. The petition has been filed more than eleven months back i.e. on 06.09.2013. The petitioners are in the prime period of their youth. Both of them stated on oath that they

have been living separately since 03.05.2011 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 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. The decree of divorce by mutual consent is hereby passed and the marriage between petitioner No. 1 and petitioner No. 2 is declared dissolved with effect from the date of decree. The marriage certificate No. 249/2010 dated 12.04.2010 do hereby cancelled.

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 Tapas Ram

P.W.2 Rashmi Prava Das

List of documents admitted by petitioners:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.