

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

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

Civil Proceeding No. 496 of 2012

Sri Ramesh Kumar Hota, aged about 52 years,
S/o- Late Trilochan Hota,
Assistant Engineer, Raj Ranpur,
Door Darshan Relay Centre,
At/P.O.-Ranpur,
Dist-Nayagarh, (Odisha) and also
C/o- Kailash Chandra Hota,
Plot No. N/6, Nayapalli,
Near Crown Hotel,
Bhubaneswar,
Dist-Khurda, (Odisha).

... Petitioner

... Versus...

Smt. Sujata Devi, aged about 49 years,
W/o-Sri Ramesh Kumar Hota
Assistant Teacher,
Patrapara Primary School,
At/P.O.-Patrapara, Bhubaneswar,
Dist-Khurda (Odisha).

... Respondent

Date of argument : 05.08.2014

Date of order : 08.08.2014

ORDER

This order arises out of a petition u/s. 13 (1) (i-b) of the Hindu Marriage Act, 1955 (in short, the Act 1955) praying for a decree of dissolution of marriage of the petitioner with the respondent on the grounds of desertion and cruelty.

2. The facts of the case of the petitioner are that:-

The marriage of the petitioner with respondent was solemnized as per Hindu Custom and rites at Olhan in the district of Puri in the month of March 1982 and consummated at the residence of petitioner at Nirakarpur and out of their wedlock two daughters namely Sonia and Mousumi were born in the year 1984 and 1986 respectively. He has averred that the respondent was staying away from the petitioner and was not visiting to her matrimonial house for years together. She was not satisfied with the income of the petitioner and insisted him to lead luxurious life. It is further averred that in the year 1988, while the petitioner was posted at Koraput, the respondent forced him to make arrangement at Bhubaneswar for her and for her children and the petitioner with much difficulties facilitated their stay at Bhubaneswar. According to the petitioner, in the year 1990 the respondent along with her two daughters shifted to Bhubaneswar and started living there without the petitioner and the petitioner incurred all their expenses. The petitioner had also make arrangement for completion of B.Ed degree of the respondent. In the meantime both the daughters have got married in 2008 and 2012 respectively. The petitioner has further averred that they have no physical relationship for more than 10 years and the respondent has no personal contact in any form for two years. The respondent without any rhyme and reason deserted the petitioner and subjected him to cruelty both mentally and physically. The respondent and his parents misbehaved the petitioner and abused him in filthy languages in presence of other people causing mental agony. The respondent did not pay any respect to her in-laws and even she did not attend her mother-in-law while she was sick in the year 2010. It is

further averred that several attempts have been made from the side of the petitioner for settlement of the dispute, but the respondent did not cooperate. Their marriage has been irretrievably broken down. Since the torture and cruelty by the respondent became in-tolerable the petitioner has filed this proceeding seeking a decree of divorce.

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

4. The question that requires to be adjudicated is whether, there exists any desertion on the part of the respondent to allow the petition for divorce?

5. The petitioner in order to prove his case he, himself, has been examined P.W. 1.

6. The petitioner sought divorce on the grounds of respondent's desertion and cruelty. It is needless to say Section 13(1) of the Hindu Marriage Act, provides that the other party has deserted the petitioner for a continuous period of not less than two years immediately preceding the presentation of the petition. The petitioner at paragraphs 14 of his petition has stated that the respondent deserted him since the year 2010. The petition of divorce in this case is presented in the Court on 17.12.2012. The respondent has not challenged such evidence of the petitioner. Thus, it is clearly established that the petition has been filed after completion of two years from the date as alleged by the petitioner. From the aforesaid tenor of the evidence, it is as much as clear as noon day that there has been total liquidation of obligation of marriage between the parties since 2010, meaning thereby that intentional permanent forshaking and abandonment of one spouse by the other without

the others consent and without reasonable cause also meaning not permitting or allowing or facilitating cohabitation between the spouses. The respondent without any rhyme and reason deserted the petitioner. This conduct of the parties is a continuous one for last four years. There is also blick chance of their reunion. Therefore, it is a fit case to snap out the marital relation between parties by passing a decree of divorce. In other words the petitioner could establish the ground of desertion. 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 8th day of August, 2014.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioner:

P.W.1 Ramesh Kumar Hota

Witnesses examined for the respondent:

None

List of documents by petitioner:

Nil

List of documents by respondent:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR.