

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 521 of 2014
(Under Section 25 of the Special Marriage Act, 1954)

Dilleswari Dash, aged about 22 years,
D/o- Sashibhusan Dash,
At-Dolbandha Road,
P.O./P.S.-Paralakhemundi, Dist-Gajapati,
At present C/o- J.K. Panda,
Plot No.-641, Chintamaniswar,
P.O.-Budheswari, Bhubaneswar-751006,
Dist-Khurda.

..... Petitioner

....Versus.....

Sri Rahul Pandey, aged about 29 years,
S/o-Mithlesh Pandey,
At-Prakash Nagar, P.O.-Hinoo, P.S.-Doranda, Ranchi.
At present C/o-Rajeswar Mishra, Prakash Nagar,
Bishra Chouwkh, Ranchi, Jharkhand, Pin-834002.

... Respondent

Date of Argument : 27.01.2016

Date of Judgment : 01.02.2016

J U D G M E N T

The petitioner-wife Smt. Dilleswari Dash, has filed this Civil Proceeding U/s-25 of the Special Marriage Act, 1954 (in short, the Act, 1954) annulment of her marriage with the respondent-husband, Sri Rahul Pandey as null and void on the ground of non consummation of the marriage.

2. The facts of the case of the petitioner are that their marriage was solemnized before Marriage Officer Khurda at Bhubaneswar on 15.05.2012 vide marriage certificate bearing No. 318 of 2012. It is the further case of the petitioner that though they have registered their marriage yet, they

have not live together as husband and wife for a single day and as such, their marriage was only for name shake. According to her since the date of marriage she has been living in her parental home. It is averred by the petitioner that after marriage, the respondent has never taken her to her matrimonial home in order to live as husband and wife. It is also averred by her that despite her offers for consummation of the marriage, the respondent willfully avoided it. Hence, the petitioner filed this case for annulment of her marriage.

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

4. The only point is formulated for determination of the case is whether the marriage was not consummated due to willful refusal of the respondent?

5. The petitioner in order to prove her case she, herself, has been examined as P.W.1 and relied on one document i.e. the Xerox copy of the Marriage Certificate bearing No. 318 of 2012. The petitioner while being examined as P.W. 1 has supported the averments made in the petition. From her unchallenged testimony, it is established that the marriage has never been consummated for a single day as soon after the marriage, the petitioner has been living in her parental home. Despite offers from the petitioner to consummate the marriage, the respondent willfully avoided it. Therefore, as the marriage has not been consummated due to willful refusal of the respondent and as such, the marriage being a name-sake, petitioner is entitled to annulment of marriage by a decree of nullity. Hence, it is ordered;

ORDER

The petition of the petitioner is allowed ex-parte in favour of the petitioner without any cost. A decree of nullity by annulling the marriage between the petitioner and the respondent is passed and the marriage certificate bearing No. 318 of 2012 is treated as cancelled.

JUDGE, FAMILY COURT,
BHUBANESWAR

Dictated, corrected by me and is pronounced on this the 1st day of February, 2015.

JUDGE, FAMILY COURT,
BHUBANESWAR

Witnesses examined for the petitioner:

P.W.1 Smt. Dilleswari Dash

Witnesses examined for the respondent:

None

List of documents by petitioner:

Ext.1 Xerox copy of Marriage Certificate bearing No. 318 of 2012

List of documents by respondent:

Nil

JUDGE, FAMILY COURT,
BHUBANESWAR