

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 544 of 2013

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

Deepak Kumar Mishra, aged about 29 years,
S/o- Haren Kumar Mishra,
of Vill.-Gabasahi, P.S./Dist-Bhadrak.

..... Petitioner No. 1

AND

Bidyutprava Pradhan, aged about 27 years,
W/o-Deepak Kumar Mishra,
D/o- Sri Srinibash Pradhan,
of village-Bamapada, P.O.- Chhanapur,
P.S.-Balesore Industrial,
Dist-Balesore.

..... Petitioner No. 2

Date of argument : 21.08.2014

Date of judgment : 21.08.2014

J U D G M E N T

The petitioners have filed this application Under Section 28 (1) of Special Marriage Act, 1954 for divorce by mutual consent.

2. The case of the petitioners in brief is that their marriage was solemnized before Marriage Officer, Bhubaneswar on 05.05.2011 bearing marriage certificate No. 339/2011 vide Ext. 1 and their marriage has not been

consummated as they have been living separately from the date of marriage. After marriage, differences arose between them which could not be resolved and as such they have been living separately since the marriage i.e. from 05.05.2011. Therefore, they have been living separately more than one year. The petition was filed more than seven months back i.e. on 22.10.2013. 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 there shall have no claim of maintenance against each other. 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.

2. Both the petitioners were examined on oath as P.Ws. 1 and 2 respectively. They have stated unanimously that their marriage was solemnized on 05.05.2011 before the Marriage Officer, Bhubaneswar vide Marriage Certificate No. 339/2011. After marriage, due to indifferent opinion, thought and temperament and habit they have been living separately from the date of marriage i.e. from 05.05.2011. Although their friends and relatives tried their best to reunite them, reconciliation was not possible. The chance of reunion is remote and having no other alternative both of them decided to dissolve the marriage by mutual consent.

3. Petitioner No. 2-wife in her evidence has stated that she has no claim of maintenance for her past, present and future against P.W. 1. In view of above admission of P.W.2, she is not entitled to get any maintenance from P.W. 1.

The petition was filed more than seven months back i.e. on 22.10.2013. The petitioners are in the prime period of their youth. Both of them stated on oath that they have been living separately since 05.05.2011 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. A decree of divorce is passed and the Marriage Certificate bearing No. 339/2011 is cancelled and the marriage between the petitioner No. 1 and petitioner No.2 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 21st day of August, 2014.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Deepak Kumar Mishra

P.W.2 Bidyutprava Pradhan

List of documents admitted by petitioners:

Ext.1 Marriage Certificate

JUDGE, FAMILY COURT,
BHUBANESWAR.