

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

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

Civil Proceeding No. 608 of 2013  
(Under Section 28 of the Special Marriage Act, 1954)

1. Sri Satyajit Barik, aged about 25 years,  
S/o- Lingaraj Barik,  
At-Jagannath Lane, (Abakasha Lane),  
Gangamata Bagicha, P.O./P.S.-Kumbharapada,  
Dist-Puri At present:- At Hata Sahi,  
Old Town, P.S.-Lingaraj,  
Bhubaneswar  
Dist-Khurda.

..... Petitioner No. 1

2. Smt. Swetaswinee Sethy, aged about 23 years,  
D/o- Pratap Chandra Sethy,  
W/o-Satyajit Barik,  
At-Mallarpada, P.S.-Turumunga, Dist-Keonjhar,  
At present:- Rasulgarh, P.O./P.S.-Mancheswar,  
Bhubaneswar, Dist.-Khurda.

... Petitioner No. 2

Date of argument : 19.06.2014

Date of judgment : 19.06.2014

J U D G M E N T

The petitioners have filed this application Under Section 28 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 the Marriage Officer, Khurda at Bhubaneswar on 03.07.2012 vide Ext. A. They led happy conjugal life for fifteen

days. Thereafter differences arose between them which could not be resolved and as such they have been living separately since 20.07.2012. Therefore, they have been living separately more than one year. No child is born out of the wedlock of the petitioners. The petition was filed on 03.12.2013. It is further averred that several attempts have been made by the family members, friends and well wishers for their reunion but in vain. 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 in oath as P.Ws. 1 and 2 respectively. They have stated unanimously that their marriage was solemnized on 13.12.2005 before the Marriage Officer, Khurda vide 489 of 2012. Soon after marriage due to indifferent temperament, and mental incompatibility and difference opinion they have been living separately since 20.07.2012. 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.

4. Petitioner No. 2-wife in her evidence has stated that she has no claim of maintenance against P.W. 1. The petition was filed on 03.08.2013. The petitioners are in the prime period of their youth. Both of them stated on oath that they have been living separately

since 20.07.2012 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. 489 of 2012 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 19<sup>th</sup> day of June, 2014.

JUDGE, FAMILY COURT,  
BHUBANESWAR.

Witnesses examined for the petitioner:

P.W.1        Sri Satyajit Barik.

Witnesses examined for the respondent:

P.W.2        Smt. Swetaswinee Sethy.

List of documents admitted by petitioners:

Ext. A        Marriage Certificate bearing No. 489 of 2012.

JUDGE, FAMILY COURT,  
BHUBANESWAR.