

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 633 of 2013
(Under Section 13 (B) of Hindu Marriage Act, 1955)

1. Srimati Sahoo, aged about 25 years,
W/o- J. Laxmi Narayana,
At- Goutam Nagar, Basti,
P.S.-Baragada,
Bhubaneswar
Dist-Khurda.
..... Petitioner No. 1
2. Sri J. Laxmi Narayan, aged about 32 years,
S/o- Late J. Biswanath,
At- Sutahata, Tanti Sahi,
P.S.-Manglabag,
Dist-Cuttack.
At present Goutam Nagar, Badagada,
Bhubaneswar, Dist-Khurda.
... Petitioner No. 2

Date of argument : 24.06.2014

Date of judgment : 24.06.2014

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 Special Marriage Officer, Bhubaneswar on 03.02.2011 vide Ext. 1. They have resided as husband and wife in the

house of the petitioner No.1 but they have no conjugal relationship since the date of marriage. Thereafter differences arose between them which could not be resolved and as such they have been living separately since 03.02.2011. Therefore, they have been living separately more than three years. No child is born out of the wedlock of the petitioners. It is further averred that both of the petitioners are working in Appolo Hospital, Bhubaneswar. The petition was filed on 18.03.2013. 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 03.02.2011 before the Special Marriage Officer, at Bhubaneswar vide Marriage Certificate No. 15/2010. Two months after marriage, due to indifferent temperament, and mental incompatibility and difference opinion they have been living separately since 05.09.2011. 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.

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 09.04.2013. The petitioners are in the prime period of their youth. Both of them stated on oath that they have been living separately since 05.09.2010 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. 15/2010 is cancelled 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 24th
day of June, 2014.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Srimati Sahoo

P.W.2 Sri J. Laxmi Narayan.

List of documents admitted by petitioners:

Nil.

JUDGE, FAMILY COURT,
BHUBANESWAR.