

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

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

Civil Proceeding No. 83 of 2013

Priyanka Priyadarshini Das, aged about 21 years,  
W/o- Tapas Kumar Behera,  
D/o-Madhabananda Das,  
Residing at Village-Sarupal, P.O.-Dhobasila,  
P.S.-Nilagiri, Dist-Balasore.

... Petitioner

... Versus...

Tapas Kumar Behera,  
S/o-Mahendranath Behera,  
At-Barisahi, P.O.-Raj Nilagiri,  
P.S.-Nilagiri, Dist-Balasore.

... Respondent

Date of argument : 12.08.2014

Date of order : 12.08.2014

ORDER

This order arises out of a petition u/s. 27 of Special Marriage Act praying for a decree of dissolution of marriage of the petitioner with the respondent on the ground of 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 before Marriage Officer, Khurda at Bhubaneswar on 30.10.2010 vide Ext. 1 (Marriage Certificate bearing No. 725 of 2010) and they have no issue out of their wedlock. She has averred that the respondent taking the false plea that he is working in East Coast Railway got married under the Special Marriage Act and registered the marriage before the

Marriage Officer, Khurda at Bhubaneswar and has taken Rs. 1,00,000/- in different occasions from the petitioner with an assurance to return the said amount very shortly but did not return. The petitioner has further averred that though they have officially husband and wife but they have not consummated their marriage. She has further averred that after three to four months of marriage, the respondent and his family members demanded additional dowry of Rs. 1,00,000/- and non fulfillment thereof subjected to the petitioner with physical and mental torture and abused her in filthy language and also threatened to kill her. The well wishers and relatives of the petitioner tried to settle the disputes but it could not yield any positive result. Since the torture and cruelty by the respondent became in-tolerable she 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 cruelty on the part of the respondent to allow the petition for divorce?

5. The petitioner in order to prove her case she, herself, has been examined P.W. 1.

6. The petitioner sought divorce on the ground of respondent's cruelty. Demanding additional dowry of Rs. 1,00,000/- to the respondent and his family members, the respondent tortured her both physically and mentally and abusing her in filthy language and also threatened to kill her spell cruel conduct of the respondent towards the petitioner. Besides, the respondent has deserted the petitioner few months after the marriage. 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 the date of marriage i.e. 30.10.2010, 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 subjected her to cruelty. This conduct of the parties is a continuous one for last three 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. Therefore, the petitioner could successfully established the ground of cruelty which per se is one of the ingredients u/s. 13 (1) of the Act for granting a decree of divorce. Hence, it is ordered;

ORDER

The petition is allowed ex-parte in favour of the petitioner. A decree of divorce is passed and the marriage certificate bearing No. 725 of 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 12<sup>th</sup> day of August, 2014.

JUDGE, FAMILY COURT,  
BHUBANESWAR.

Witnesses examined for the petitioner:

P.W.1      Priyanka Priyadarshini Das

Witnesses examined for the Opp. Party:

None

List of documents by petitioner:

Ext. 1 is the Marriage Certificate.

List of documents by Opp. Party:

Nil

JUDGE, FAMILY COURT,  
BHUBANESWAR.