

IN THE COURT OF JUDGE, FAMILY COURT, BHUBANESWAR.

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

Civil Proceeding No. 94 of 2015
(Under Section 28 of Special Marriage Act, 1954)

Sinorita Dash, aged about 27 years,
W/o-Amit Bikram Choudhury,
D/o-Probodha Kumar Dash,
S/25, Phase-I, Maitri Vihar,
P.S.-Chandrasekharapur, Bhubaneswar,
Dist-Khurda.

..... Petitioner No. 1

AND

Amit Bikram Choudhury, aged about 29 years,
S/o-Kailash Chandra Sahoo,
Plot No. 42/1401, Road No. 8,
Jagannath Nagar, Rasulgarh,
Bhubaneswar, Dist-Khurda.

..... Petitioner No. 2

Date of Second Motion : 03.11.2015

Date of Judgment : 03.11.2015

J U D G M E N T

The petitioners have filed this application Under Section 28 of Special Marriage Act, 1954 (in short the Act of 1954) for divorce with mutual consent.

2. The facts of the case of the petitioners are that their marriage was solemnized before the Marriage Officer Khurda at Bhubaneswar on 18.06.2011 vide Marriage Certificate No. 447 of 2011 (Ext.1). Due to differences arose between them which could not be resolved they started living separately since 18.07.2011. The petition was presented before this Court on 13.02.2015. Therefore, they have been living separately more than three years. The petition was filed more than six months i.e. on 13.02.2015. 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.

3. Both the petitioners were examined on oath as P.Ws. 1 and 2 respectively. They have stated unanimously that their marriage was solemnized before Marriage Officer Khurda at Bhubaneswar on 18.06.2011 vide Marriage Certificate No. 447 of 2011 (Ext.1). Due to differences arose between them which could not be resolved they started living separately since 18.07.2011. 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 and their consent is free from any coercion and therefore, their consent is free consent.

4. Petitioner No. 1-wife in her evidence has stated that she has no claim of any alimony for past, present and future for herself. In view of above admission by the petitioner No. 1, she is not entitled to get any alimony from petitioner No.2. The petition was filed on 13.02.2015. The petitioners are in the prime period of their youth. Both of them stated on oath that they have been living separately since last three years 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 as a bar to their future life. The petition of the petitioners succeeds. Hence, it is ordered;

ORDER

The petition for divorce by mutual consent is allowed. A decree of divorce is passed and the marriage between the petitioner No. 1 and petitioner No. 2 is hereby declared dissolved with effect from the date of decree and the Marriage Certificate bearing No. 447 of 2011 is hereby cancelled.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Dictated, corrected by me and is pronounced on this the 3rd day of November, 2015.

JUDGE, FAMILY COURT,
BHUBANESWAR.

Witnesses examined for the petitioners:

P.W.1 Sinorita Dash

P.W.2 Amit Bikram Choudhury

List of documents admitted by petitioners:

Ext. 1 Marriage Certificate bearing No. 447 of 2011

JUDGE, FAMILY COURT,
BHUBANESWAR.