

**IN THE COURT OF DISTRICT JUDGE ::: TINSUKIA**

District: Tinsukia

Present: **Shri C. Das,**  
District Judge,  
Tinsukia

**Title Suit (Matrimonial) No.01 of 2021**

This the 18<sup>th</sup> day of May, 2022

**Sri Sudama Joshi,**  
S/o Late Kishori Lal Joshi,  
R/o Parbotia Road,  
Backside of Mahesh Bhawan,  
P.O. & P.S. Tinsukia,  
Dist. Tinsukia, Assam

..... Petitioner

- Versus -

**Smti. Jyoti Sharma (Nahwal),**  
W/o Sri Sudama Joshi,  
D/o Sri Arun Kumar Sharma Nahwal,  
R/o Near Riniya Kuwa,  
P.O. & P.S. Ratangarh,  
Dist. Churu, Rajasthan

..... Respondent

The suit came up for final hearing on 30.04.2022 in presence of :-

Sri B.K. Sharma, Advocate ..... For the petitioner

None appeared ..... For the respondent

And having stood for consideration to this day, the court delivered the following judgment:

### **J U D G M E N T**

1. The suit is filed u/s 13(i)(b) of Hindu Marriage Act 1955, by the above named petitioner/ husband against his wife/ respondent, praying for grant of decree of dissolution of marriage between the parties.

2. The case of the petitioner briefly, is that the marriage between the petitioner and the respondent was solemnized on 08/12/2018 as per wishes of both the families according to Hindu rites and rituals at Mandhania Vivah Bhawan, situated at Makum road, P.O., P.S. & Dist. Tinsukia, Assam, in a trivial manner at the expenses of the petitioner. Thereafter, both the parties started to live as husband and wife at Parbotia Road, backside of Mahesh Bhawan, P.O., P.S. and Dist. Tinsukia, Assam.

3. The petitioner stated that since the beginning of the marital life with the respondent, the respondent started behaving and showing her reluctant nature towards the petitioner and without any reason, shown her hostile nature and started to deny to live with the petitioner and with the old aged mother of the petitioner. The petitioner tried his level best to keep the respondent happy and to make her understand that he is trying his best endeavour to find out some solution if the respondent has any genuine reason for her hostile nature and makes the respondent understand about the situation that she is newly wedded girl and if just before the expiry of her marriage, she is not interested to live further as wife with him, this will hamper the ample reputation of both of them and both the families in the market and in the society as well. But all the steps taken by the petitioner in this aspect went into vain. It is stated that just after three days of the marriage, the respondent started misbehaving with the petitioner and his old aged mother and with the other family members and started to create unwanted situation, which was unendurable. The respondent at many occasions became so furious and started misbehaving the petitioner and addressing him and family members of the petitioner with filthy languages and dirty words and shown her hostile nature towards the petitioner, his old aged mother and other family members. On being astonished about the sudden hostile and furious nature and activities of the respondent, the petitioner had informed the

whole incident to the parents of the respondent, but no such fruitful result had been come out.

4. The petitioner further stated that he is a Priest (Pujari) in the Shri Shyam Mandir, situated at Manav Kalyan Road, Tinsukia, Assam, having limited source of income and from the behaviour of the respondent, it is learned that she is girl of high thinking living society and very often, wants to visit market to purchase clothes, ornaments etc. and even after the purchase of the same, the respondent always insisted the petitioner to work and to get another job to fulfill the high living thinking of the respondent and as and when the petitioner tried to make the respondent understand about his income and is beyond the capacity of the petitioner to fulfill all the irrelevant requirements of her, she became furious, shown her hostile nature towards the petitioner and threatened him to leave the matrimonial house. In the month of January, 2019, the respondent informed the petitioner that she lost her monthly menstruation cycle and may be a chance that she is pregnant. The petitioner with a joyful hope for leading a happy conjugal life, had taken the respondent to renowned Gynecologist Dr. Ashok Agarwalla at Dibrugarh and then to Dr. Kirti Dey, Bhol Medical, Tinsukia. Both the Doctors confirmed that she is not pregnant, but there is some gynecological problem with her, which requires further treatment and as such, as per the advice of Doctors, the petitioner started the treatment of the respondent. Very

surprisingly, at the same time, the respondent started neglecting to take medicines, prescribed by the said Doctor and finally abstained to take the same.

5. The petitioner also, stated that on 27/01/2019, surprisingly, the elder brother of the respondent came to the house of the petitioner and requested the petitioner that he has come to take the respondent to her parental house in the address given above and the respondent also, informed the petitioner that she has got good contacts with some Doctors at her parental house and also, insisted the petitioner that she will get treatment only with the said Doctor. Ultimately, on 29/01/2019, the respondent went to her parental home along with her elder brother, taking all her '*Stridhar*' including ornaments, gifts etc., which had been given to her by the relatives, family members of both the families and other guests at the time of marriage. When the respondent reached her parental home, she called the petitioner that she is going to consult with a gynecologist and needs some money. Accordingly, the petitioner in the month of February and March, 2019, transferred Rs.20,000/- only in the bank account of the father of the respondent. The petitioner also, mentioned that before solemnization of the marriage, on the request of the father of the respondent, the petitioner gave Rs.2 lakhs to the father of the respondent to bear the expenses of the marriage.

6. The petitioner stated that from reliable sources, the petitioner came to know that the respondent has not gone to any gynecologist and no treatment has ever been started for her treatment. When the petitioner asked the respondent to come back to Tinsukia, she directly denied to return to her matrimonial home and to join the petitioner as his wife. He stated that the respondent's lack of sympathy, love and affection towards the petitioner, further had worsened the matrimonial life. The petitioner was helplessly sinking over the misfortune and nightmares. All his hopes for happy marital life with the respondent burnt into ashes. The petitioner, therefore, in order to save his marital relationship, had cried for helpful hands of his relatives and other family members of the respondent to resolve the matter and make understand the respondent. But all went in vain. The petitioner stated that somehow he tolerated the atrocities of the respondent with a hope that the respondent may realize her fault in the coming days and repent for her misbehaviour and shall lead a normal life with him.

7. The petitioner stated that very astonishingly, on 22/05/2019, the respondent filed one criminal case being Ratangarh(Rajasthan) P.S. Case No.0176/2019 against the petitioner and his family members u/s. 498(A)/406/323/354(A)/312/120(B) IPC under false, fabricated, concocted, afterthought and baseless allegations. After the information received from the I.O. of that case, the

petitioner along with his family members reached at the said police station and got released on bail. The case is still pending for investigation.

8. That even after repeated requests to the respondent by the petitioner to reconcile the matter, all the efforts and endeavours had gone into vain. In the month of July, 2019, the old aged mother and other relatives of the petitioner and the petitioner himself, requested the respondent to come and join the matrimonial house and requested to stay with him for the sake of the better future. But the respondent denied to do so. Thus, since 27/01/2019, the petitioner and the respondent have not consummated and not having any physical relationship in between them. In spite of all such ill behaviours and attitude of the respondent, the petitioner recede from all his hurled feeling and on several occasions, tried to reconcile with the respondent and tried his level best to make the relation normalize with the respondent and to bring back the respondent to love and affection and to enunciate her attitude clearly for the betterment and future of their marital relations. But all his attempts were crashed with grudge of the respondent and now, it has become almost impossible for the petitioner to live with the respondent under the bondage of marriage wedlock, for which the petitioner reasonably apprehending the danger of him being losing his life in the hands of the respondent. As such, there is no chance of reconciliation between the

petitioner and the respondent, as the marriage is irretrievably broken down. The petitioner being unsafe feeling and insecure with the respondent, is not willing to live with the respondent in the future. Further, he is desirous to break the marriage relationship by way of divorce. Accordingly, on 02/01/2021, the petitioner filed the instant suit, praying for dissolving his marriage with the respondent by a decree of divorce on account of cruelty and desertion.

9. After filing of the instant petition by the petitioner, notice to the respondent was issued. The respondent after receipt of such notice has not appeared in the court. The respondent remained absent even after publishing notice in the local newspaper. As such, the case proceeded *ex-parte* against the respondent. No issue is required to frame since the respondent did not contest the case.

10. During trial of the case, the petitioner adduced his evidence-in-affidavit. He reiterated the same contentions in his evidence as it appears in his petition. There is no rebuttal of the evidence of the petitioner at all. Thus, it appears from the contentions and evidence of the petitioner that the relationship between the petitioner with the respondent is not cordial in nature, neither the efforts for reunion of them gave any fruitful result. Both of them are already separated and living their own lives. Apparently, it can be said that the marriage between the parties herein, is irretrievably broken

down without any scope of revival. Hence, allowing them to live separately from each other would be the best solution. Therefore, the instant petition is allowed *ex-parte*.

11. Accordingly, the marriage between the petitioner and respondent is hereby, dissolved. No order for cost. Prepare a decree as per law.

12. Given under the hand and seal of this court on this the 18<sup>th</sup> day of May, 2022.

Dictated & corrected by:

District Judge  
Tinsukia

**(C. Das)**  
District Judge  
Tinsukia