

IN THE COURT OF DISTRICT JUDGE:: ::TINSUKIA

District : Tinsukia

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

Title Suit (Matrimonial) No. 123 of 2021

This the 19th day of May, 2022

Smt. Sikha Moran,

W/o Sri Pronab Dangoria,

D/o Sri Sanjay Moran,

R/o Kachijan Gaon, P.O. Kachijan Chariali,

P.S. Kakopathar,

Dist. Tinsukia, Assam

..... Petitioner

- Versus -

1. Sri Pronab Dangoria,

S/o Sri Rudeswar Dangoria,

R/o Thapabari Gaon, P.O. Hahkhati,

P.S. Dholla,

Dist.Tinsukia, Assam.....Respondent No.1

2. Smt. Devi Moran,

D/o Bhogeswar Moran,

R/o Tengapani, P.O. Dholla,
Dist.Tinsukia, Assam Respondent No.2

The suit came up for final hearing on 28.04.2022 in presence of :-

Mr. A. Latif, Advocate..... For the petitioner

None appeared For the respondents

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 under section 13(i)(i-a) of Hindu Marriage Act, 1955, by the above named petitioner against respondents, praying for grant of decree of dissolution of marriage between the parties.

2. The case of the petitioner briefly, is that the petitioner is lawfully married wife of the respondent No.1. On 14th July, 2017, the marriage between the petitioner and the respondent No.1 was solemnized at Kachijan Gaon, Kakopathar, P.O. Kachijan Chariali, P.S. Kakopathar, Dist. Tinsukia, Assam, according to their rites and customs. After the marriage, the respondent No.1 took the petitioner to his house, situated at Thapabari Gaon, P.O. Hahkhati in the District of Tinsukia and started their conjugal life. The family

of respondent No.1 is a joint family, consists of his father Sri Rudreswar Dangoria and mother Smt. Hewati Dangoria.

3. The petitioner stated that her father had given bed, Almira, Dressing table, showcase to the respondent No.1 at the time of marriage. In the month of October, 2017, the respondent No.1 asked the father of the petitioner to give him a motor-cycle, upon which the father of the petitioner paid Rs.40,000/- only. After couple of weeks again, paid Rs.30,000/-. But the respondent No.1 never purchased any motor-cycle. Day-by-day, demand of the respondent No.1 increased. But somehow, the father of the petitioner tried to fulfill the same for the welfare of conjugal life of the petitioner. Her father on several occasions, on the demand of the respondent No.1 paid money, which will be around Rs.80,000/-only. It is stated that gradually the mental and physical torture of the respondent No.1 upon the petitioner increased. The respondent No.1 threatened the petitioner by saying that if the petitioner fails to bring money from her parental house, the respondent No.1 will perform second marriage with another girl. He also, treated the petitioner like a servant and he does not provide her proper food, clothes and other day-to-day requirements. The respondent No.1 after consuming liquor, quarreled with the petitioner on very petty issues and assaulted her by fist and blows and also used filthy languages against the petitioner and her family members. In the month of December, 2018, due to

the continuous physical and mental torture by the respondent No.1, the petitioner left the matrimonial house and returned to her parental house. After one month, i.e. January,2019, upon the intervention of family members of the petitioner and the respondent No.1, friends and other relatives, the respondent No.1 took the petitioner back to his house and assured that he will not inflict any kind of mental and physical torture upon the petitioner and will never demand any money from the petitioner. But, after three months, i.e. in the month of April,2019, the respondent No.1 again, started the same act of mental and physical torture upon the petitioner and tried to kill the petitioner by hanging her. As a result, the petitioner was forced to leave her matrimonial house for the second time. In the month of July, 2019, in the presence of members of Kachijan Yuvak Sangha, the respondent No.1 promised and assured that the respondent No.1 will not cause any mental and physical torture upon the petitioner and will lead a peaceful conjugal life with the petitioner. On his assurance, the petitioner again, went to her matrimonial house with the respondent No.1. But again, after two months, the situation became the same and this time, the respondent No.1 started to torture upon the petitioner, putting false allegations upon the character of the petitioner.

4. The petitioner further stated that in one occasion, when her father came to her matrimonial house to meet her,

the respondent No.1 without any valid reason, assaulted the petitioner in front of her father. On protest of her father, the respondent No.1 also, insulted her father by using slang languages. Finally, on 01/06/2021, the respondent No.1 forcefully ousted the petitioner from his house. Since that day, the petitioner has been staying with her parents. During her stay from 01/06/2021, the respondent No.1 never took pain to take the petitioner back to his house. Even the respondent No.1 never inquired regarding what about of the petitioner; nor provided any money required for her maintenance, food, clothing and other basic needs of the petitioner. Instead of that, whenever the petitioner called the respondent No.1 over phone, the respondent No.1 abused the petitioner by using slang languages and threatened of dire consequences, if the petitioner tried to call back him or tried to come back to the house of the respondent No.1. The respondent No.1 never tried to reconcile the matter, but the petitioner called the respondent No.1 over mobile phone and requested him to take her back to the matrimonial house. But the respondent No.1 became furious and threatened the petitioner not to contact him again, otherwise he will divorce the petitioner.

5. The petitioner alleged that in the month of August, 2021 the respondent No.1 performed another marriage with one Devi Moran, daughter of Bhogeswar Moran of Tengapani, P.S. Dholla, Dist. Tinsukia, Assam. It is stated

that the respondent No.1 is a business-man and owner of 16 bighas of cultivable land, having cultivation of betel and nuts, lemon and oranges, paddy cultivation and earns an amount of Rs.1lakh per month. After August,2021, marriage bond between the petitioner and the respondent No.1 has totally broken down and there is no remote chance of reunion of the petitioner with the respondent No.1 and to restore the conjugal life and as such, she filed this petition for divorce on the ground of cruelty, praying for a decree of divorce and direction to the respondent No.1 to pay Rs.15,000/- per month to the petitioner, towards maintenance for herself u/s. 24 of the Hindu Marriage Act and Rs.15,00,000/- as permanent alimony to the petitioner.

6. After filing of the petition by the petitioner, notice to the respondents was issued. The respondents after receipt of such notice, has not appeared in the court. As such, the case proceeded *ex-parte* against the respondents. No issue is required to frame since the respondents did not contest the case.

7. During trial of the case, the petitioner adduced her evidence-in-affidavit. She reiterated the same contentions in her evidence as it appears in her 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 No.1 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. It is also alleged that the respondent No.1 entered into second marriage with a girl already. Apparently, it can be said that the marriage between the petitioner and the respondent No.1 herein, is irretrievably broken down without any scope of revival. Hence, allowing them to live separately from each other would be the best option. Therefore, the instant petition is allowed *ex-parte*.

8. Accordingly, the marriage between the petitioner Smt. Sikha Moran and respondent Sri Pronab Dangoria is hereby, dissolved. Further, the petitioner claimed permanent alimony of Rs.15 lakhs and Rs.15,000/- only for her maintenance per month. Since the evidence of the petitioner clearly shows that the respondent No.1 is able-bodied person having sufficient means, her prayer is allowed u/s. 24 of Hindu Marriage Act. Accordingly, it is held that the petitioner is entitled to get permanent alimony to the extent of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand) and Rs.15,000/- towards her monthly maintenance amount from the respondent No.1. It is hereby directed the respondent No.1 to pay Rs.1,50,000/- as permanent alimony and Rs.15,000/- as monthly maintenance to the petitioner immediately. No order for cost.

9. Prepare a decree accordingly as per law.
10. Given under the hand and seal of this court on this the 19th day of May, 2022.

Dictated & corrected by:

District Judge
Tinsukia

(C. Das)
District Judge
Tinsukia