

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

District : Tinsukia

Present :Shri C. Das,

District Judge,

Tinsukia

**Title Suit (Matrimonial) No.58/2020**

This the 13<sup>th</sup> day of May' 2022

**Sri UjjalDebnath,**

S/o. Late HarilalDebnath,

R/o. Tarun Nagar,

PO & PS- Makum,

Dist- Tinsukia, Assam

..... Petitioner

**-versus-**

**Smti. Rumi Debnath,**

W/o. Sri UjjalDebnath,

D/o. Sri KhagenDebnath,

R/o. Anandapara, PO- Digboi,

PS- Digboi, Dist.- TinsukiaAssam

..... Respondent

The suit was come up for final hearing on 29.04.2022  
in presence of :-

Sri P. Acherjee, Advocate ..... for the petitioner  
Sri T. K. Singh, Advocate ..... for the respondent

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

### **JUDGMENT**

1. The suit is filed u/s 13(i)(a) of Hindu Marriage Act, by the above named petitioner 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 both the petitioner and the respondent are governed by Hindu Marriage Act at all material times. The petitioner married the respondent according to the Hindu rites and customs as per Hindu Marriage Act, 1955 at Anandapara, Digboi in the district of Tinsukia, Assam on 31/5/2019 and they performed the required formalities of the marriage on the said date. After solemnization of marriage, the respondent came with the petitioner and started to live with him as a wife and husband at Tarun Nagar, Makum in the district of Tinsukia. They have no issue till date. Since the day of marriage, the respondent has been behaving with the petitioner very roughly, habitually misconducted herself towards him and

treated him with great harshness, negligence and cruelty, frequently, abusing him in coarsest and most insulting language.

3. It is stated that the petitioner is a daily wage-worker having no sufficient income of source and he has facing too hardship to maintain his family with his limited income in this hard days, consisting of his wife and his ailing mother. But the respondent is well known the economic condition of the petitioner prior to the marriage. In spite of knowing the facts, she always has been demanding luxuries things, demanding money to visit her parental house in one or two days in every week. When the petitioner did not fulfill her such demands, the respondent entered into quarrels with him, breaking the household goods etc.

4. The petitioner stated further that he is peace loving person, having a good reputation in the society and as such, he has been tolerating all such intolerable acts of the respondent with tearful eyes. The petitioner for the sake of love, peace and pleasure, has been always ready to do whatever his respondent/ wife truly wants, provided her desire with his entire income. He always ready to co-operate his wife so that both of them can look forward with the prospect to usher a happy wed-life. On 13/05/2020 in the morning, when the petitioner was ready to go to his duty, he simply asked the respondent for a cup of tea. But the respondent got excited and refused to prepare the tea and

entered into quarrel with the petitioner. Hence, the petitioner without any objection, left his house. When the petitioner came back to his home, he saw that the respondent left his home. After due inquiry, he confirmed that his wife/ respondent went to her parental home at Digboi. Since then, the respondent has been staying at her parental home. The petitioner tried his best efforts to take back his wife, but she strongly refused to come with him.

5. The petitioner in several times, requested the respondent to come with him but she refused to come with her husband and strongly denied to stay with the family of the petitioner. On 13.07.2020, a meeting was held between them at Digboi with the intervention of some well-wishers and in presence of the parents of the respondent where a mutual understanding has been arrived at between the parties wherein it has been agreed upon between the parties with following conditions ;

- a) Due to some misunderstanding and difference of views of each other, we are unable to render our conjugal life further and with the intervention of some well-wishers, we have decided to break our conjugal tie further and intends to take divorce from each other;
- b) We have no claims and demands against each other except the '*Stridhana*' as mentioned below which will be returned by the bride-groom;
- c) The '*Stridhana*' belongings of the bride will be

collected by the bride from the house of the bride-groom as per list given below subject to issue of a valid receipt thereof;

d) Both the party will not lodge any complaint/case/suit/proceeding in any court/ office except the divorce petition which will be filed within one week as per provision of section 13B of Hindu Marriage Act;

e) During period of pendency of the divorce petition, no party shall interfere with each other;

f) The bride-groom henceforth relinquish his belonging i.e. one golden finger-ring which is kept in the custody of the bride and he has no any claim on the same;

6. The petitioner submitted the copy of said mutual understanding herein. It is stated that inspite of said mutual understanding/agreement, the respondent neither came to the house of the petitioner to collect her belongings as per list mentioned in the said agreement nor she came to file the mutual divorce. Moreover, she has been threatening the petitioner that she will file various cases against the petitioner by violating the conditions of the mutual agreement/ understanding and thus, the respondent has violated the agreed terms of the written mutual understanding and she has mentally harassed the petitioner. Hence, it is impossible on the part of the petitioner to live with the respondent as a husband and wife. The

misbehaviour of the respondent towards the petitioner also cannot be tolerable at all and now he has become impatience and finding no alternative, he has decided to give divorce to the respondent.

7. After filing of the petition by the petitioner, notice to the respondent was issued. The respondent after receipt of such notice, appeared in the court and filed petition for time to submit her written statement to contest the case of the petitioner. But subsequently, the respondent did not appear in the case neither filed written statement and as such, the case proceeded *ex-parte* against the respondent. No issue is required to frame since the respondent did not contest the case.

8. During trial of the case, the petitioner adduced his evidence in affidavit. He reiterated the same contentions 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 is 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*.

9. Accordingly, the marriage between the petitioner and respondent is hereby dissolved. No order for cost. Prepare a decree as per law. The mutual agreement/ understanding entered into between the parties shall be part of the decree.

10. Given under the hand and seal of this court on this 13<sup>th</sup> day of May' 2022.

Dictated & corrected by:

District Judge  
Tinsukia

Tinsukia

**(C. Das)**  
District Judge

Transcribed by:-  
*H. Baruah,*  
Stenographer-II