

HIGH COURT FORM NO.(J) 2
HEADING OF JUDGMENT IN ORIGINAL SUIT/CASE
IN THE COURT OF THE ADDL. DISTRICT JUDGE -2 ,
TINSUKIA

District : Tinsukia

Present : Sri B. Sutradhar(AJS),
Addl. District Judge-2,
Tinsukia.

Title Suit (M) Case No. 114 of 2021

On Thursday, the 12th day of May, 2022

1) Sri Rajdeep Chakraborty,
S/o. Sri Pradip Chakraborty,
A Resident of Powal Centre,
P.O. Powal, P.S. Digboi,
Dist. Tinsukia, Assam.

.....First Petitioner.

1) Smti. Sikha Acharjee,
D/o. Sri Dayal Acharjee,
Daughter of Late Padma Umbon,
A resident of Ananda Nagar, Raja Ali Road,
P.O, P.S & Dist. Tinsukia, Assam.

..... Second Petitioner

This suit coming on for final hearing on 11.05.2022 in the presence of :

Sri P. Seal Advocate..... for the 1st & 2nd Petitioner.

And having stood for consideration to this day the Court delivered the following Judgment.

J U D G M E N T

1. This suit is filed by 1st petitioner, Sri Rajdeep Chakraborty, and 2nd Petitioner, Smti. Sikha Acharjee, jointly U/s. 13(B) of the Hindu Marriage Act, 1956 for grant of decree of divorce by dissolving the marriage of the 1st Petitioner with the 2nd Petitioner solemnized between them on 01.02.2020 at Tinsukia Anand Nagar, Raja Ali Road.

2. The brief case of the petitioners is that after the marriage the 2nd petitioner came to the residence of the 1st Petitioner and started living with the 1st Petitioner as husband and wife. After few months of their marriage, I.e on 20.03.2020, the 2nd petitioner declared that she is unable to continue her married life with the Petitioner, as she has different taste in sex, she likes to have sex with girls, i.e same sex habit. The 1st petitioner informed the matter to his family members as well as the family members of the 2nd Petitioner. Then the 2nd Petitioner was taken back to her parents' house and since then the

2nd petitioner is staying at her parents house owing to differences in temperament, habits, thoughts and increasing incompatibility, the relation between them have been deteriorated. Frequent quarrels resulted between them over phone, several reconciliation have been made, but no adjustment, which did not last for any length of time, Though efforts and attempts were made by family and friends for reconciliation, but it has not been possible.

3. The petitioners have mutually agreed and decided that there is no point for the continuance of their marital relationship and have further agreed upon the dissolution of their marital tie with mutual consent.
4. Both the petitioner agreed that the 2nd Petitioner has no any demand from the 1st Petitioner as alimony.
5. As such, the petitioners have prayed for dissolution of marriage and a decree of divorce of marriage as per the provisions of section 13(B) of the Hindue Marriage Act, 1955.
6. The petitioners vide Joint petn. No. 295/22 stating that the they have completed the cooling period of mutual divorce i.e six months and no development in relation have been arrived

at between the petitioners and prayed for passing the decree of divorce on mutual consent.

7. Upon considering the material on record following issues were framed as mentioned here-in-under :

(i) Whether the Joint Petitioner have been staying separately from each other since 20.03.2020?

(ii) Whether the Petitioners are entitled to get decree of divorce on mutual consent as prayed for?

(iii) What relief or reliefs, the parties are entitled to under the Law and fact?

8. I have heard the Ld. Counsels for the petitioners and gone through the material evidence on record to decide the suit.

Discussion, Decision & Reasons thereof:

9. The 1st Petitioner, Sri Rajdeep Chakraborty and 2nd Petitioner, Smti. Sikha Acharjee, in their joint Evidence on Affidavit testified in a similar and identical manner as that of the contents of their joint petition, which is narrated above, as such, the evidence on affidavit is not repeated here for sake of brevity.

10. The 1st Petitioner and 2nd Petitioner have submitted the following document in support of their case :

- (i) Photocopy of Marriage Invitation Card,
- (ii) Photocopy of their Marriage.

O R D E R

11. Today, after going through the evidence adduced by the petitioners jointly, I find that the petitioners have proved their case. I am satisfied that the marriage between the 1st Petitioner, Sri Rajdeep Chakraborty and 2nd Petitioner, Smti. Sikha Acharjee have irretrievably broken down and there is no possibility of reconciliation between them. There is nothing to discard the evidence on affidavit of the petitioners and the issues are decided affirmative. Therefore, the petitioners deserve to be given a decree, as prayed for. In view of the above, the prayer for divorce is granted. Accordingly, the marriage solemnized between the 1st Petitioner, Sri Rajdeep Chakraborty and 2nd Petitioner, Smti. Sikha Acharjee on 01.02.2020 stands dissolved U/s. 13(B) of the Hindu Marriage Act 1955.

12. Prepare a decree accordingly.

13. The suit is disposed of, on mutual consent without cost.

Given under my hand and seal of this Court on
this the 12th of May, 2022.

Dictated and corrected by me.

(B. Sutradhar)
Addl. District Judge-2(FTC),
Tinsukia.

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Tinsukia