

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. 117 of 2021

On Thursday, the 26th day of May, 2022

1) Sri Debajit Gogoi, (38 Yrs.),
S/o. Haren Gogoi,
By faith Hindu,
A Resident of Mollabari New Settlement Area,
P.O.& P.S Digboi,
Dist. Tinsukia, Assam.

.....Petitioner No. 1

1) Smt. Vermina Rajbanshi, (23 Yrs.),
D/o. Sri Prahallad Rajbanshi,
By faith Hindu,
A Resident of Dirakmukh Gaon,
P.O. & P.S. Dholla,
Dist. Tinsukia, Assam.
District Tinsukia(Assam).

.....Petitioner No. 2

This suit coming on for final hearing on 25.05.2022 in the presence of :

Sri D. Phukan, Advocate..... for the Petitioner no. 1 & 2.

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 petitioner no. 1, namely, Sri Debajit Gogoi, and Smt. Vermina Rajbanshi jointly U/s. 28(i) of the Special Marriage Act, 1954 for grant of decree of divorce by dissolving the marriage of the Petitioner No. 1 with the Petitioner No. 2 registered between them on 1st March, 2019 before the Marriage Officer at Tinsukia vide Certificate no. 170.
2. The brief case of the petitioners is that the petitioners no. 1 & 2 met each other on social media platform, i.e Facebook on 23rd November, 2018 and after a long course of chatting, both of them form an affectionate relationship and later they entered into bond of marriage before the Marriage officer, Tinsukia on 1st March, 2019 vide certificate of marriage no. 170. After the Special marriage the petitioners started their conjugal life at a rented house at Digboi. They lived happily for sometime but they are issueless till date.
3. The Petitioners states that due to passage of time, owing to differences of temperament, habits,

tastes, thoughts and increasing incompatibility, the relationship between them decorated day by day, frequent quarrels, resulted between them with several reconciliations but no adjustment, however, last for any length of time, in order to avoid further deterioration in relationship, the petitioners finally separated from each other since June, 2019 and till then no conjugal relationship between them. The petitioner no. 2 is living separately since June, 2019 at her parental house situated at Dirakmukh Gaon, Dholā, Tinsukia, Assam.

4. In spite of best efforts and attempts made for re-union between the parties, but they could not reconcile their differences and there is no chance of reconciliation between the parties, as such they have jointly decided to divorce each other on mutual consent.
5. 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. The Petitioner no. 2 declares that she will not claim any amount towards her maintenance or permanent alimony and the petitioner no. 1 does not return back what he has given to the petitioner no. 2. That there has not been any previous proceeding with regard to the divorce by

or on behalf of the parties.

6. As such, the petitioners have prayed for dissolution of marriage and a decree of divorce of marriage as per the provisions of section 28(1) of the Special Marriage Act, 1954.
7. The Petitioner no. 1 & Petitioner no. 2 have adduced their evidence in support of their case.
8. Upon considering the material on record following issues were framed as mentioned here-in-under :
 - (i) Whether the Joint Petitioners have been staying separately from each other since June, 2019?
 - (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?
9. I have heard the Ld. Counsel for the petitioners and gone through the material evidence on record to decide the suit.

Discussion, Decision & Reasons thereof:

- 10.** The Petitioner no. 1, Sri Debojit Gogoi and Petitioner no. 2, Smt. Vermina Rajbanshi 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.
- 11.** The Petitioner no. 1 & 2 have submitted the following document in support of their case :
- (i) Xerox copy of Marriage Certificate issued by the Office of Marriage Registrar, Tinsukia as Ext -1,
 - (ii) Driving License of Petitioner no. 1 as Ext - 2,
 - (iii) Voter-ID of Petitioner no. 2 as Ext - 3,
 - (iv) One Joint Photocopy of the petitioner as Ext - 4.

O R D E R

- 12.** 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 Petitioner no. 1

Sri Debojit Gogoi and Petitioner no. 2, Smt. Vermina Rajbanshi 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 Special marriage registered between the Petitioner no. 1, Sri Debojit Gogoi and Petitioner no. 2, Smt. Vermina Rajbanshi on 01.03.2019 stands dissolved U/s. 28(1) of the Special Marriage Act 1954.

13. Prepare a decree accordingly.
14. The suit is disposed of, on mutual consent without cost.

Given under my hand and seal of this Court on this the 26th of May, 2022.

Dictated and corrected by me.

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

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