

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. 129 of 2021

On Friday, the 6th day of May, 2022

1) Sri Narayan Das,(43 Yrs.),

S/o. Nitai Das,

R/o Tieok Rajabari,

Near Sri Thakur Anukul Chandra Mandir,

P.O, P.S. Sonari,

Dist. Charaideo, Assam.

..... Petitioner no. 1.

1) Smt. Ritu Das,(31 Yrs.),

S/o. Sri Narayan Das,

D/o. Late Bhanu Das,

R/o. Sripuria, Bengali Gaon,

P.S. and Dist. Tinsukia(Assam).

..... Petitioner no. 2.

This suit coming on for final hearing on 22.04.2022 in the presence of :

Sri S. Bhattacharjee, Advocate..... for the Petitioner no. 1.

Smt. P. Buragohain, Advocate.....for the Petitioner no. 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, S/o. Sri Narayan Das, and Petitioner no. 2, Sri Ritu Das, jointly U/s. 13(B) of the Hindu Marriage Act, 1955 for grant of decree of divorce by dissolving the marriage of the Petitioner no. 1 with the Petitioner no. 2 solemnized between them on 11.12.2019 at Dhekiajuri, Tinsukia according to Hindu customs and rituals.

1. The brief case of the petitioners is that after the marriage the petitioners started living together as husband and wife at Teok Rajabari, near Sri Thakur Anukul Chandra Mandir, Dist. Sonari, Charaideo, Assam and consummated their marriage.

2. That out of their wedlock no issue was born to the Petitioner no. 2.

3. That the parties started their marital life with great hope and aspiration but after few months of their marriage unfortunately some serious disputes arose between them and their relationship had

broken down. In spite of sincere efforts of the parties, the relationship between them could not be restored and finally their relationship had broken down irretrievably and the petitioner no. 2 left the house of the Petitioner no. 1 on 24.05.2020 and they have been living separately for last more than one year without any conjugal relation.

4. That the process of reconciliation could not be succeeded to restore the marital relationship of the parties and they could not live as husband and wife and as such, having no other alternative, this suit is filed by them for a decree of divorce on mutual consent. The petitioners went for process of Mediation before DLSA, Tinsukia, but even after the Mediation, the reconciliation between the parties did not happen but it was amicably settled between the parties that to file a suit for decree of divorce.

5. That the petitioner no. 2 had withdrawn the D.V case no. 19^{DV}/2020 that has been filed before Sub-Divisional Judicial Magistrate, Tinsukia and T.S(M) no. 02/2020 in this court against the petitioner no. 1.

6. The parties have settled all their claims, counter claims etc. at DLSA, Tinsukia on the following terms & conditions:

(i) That as per the terms and condition held in

the office of the District Legal Service Authority between the parties, the petitioner no. 1 on 25.10.2021 have paid an amount of Rs. 40,000/- in cash as full and final payment/permanent settlement to the Petitioner no. 2 and she has received and acknowledged the same and she further assured and confirmed that she will never claim any amount/maintenance or any kinds whatsoever in future after dissolution of their marriage under mutual consent.

- (ii) That the Petitioner no. 1 has returned all the household articles which were given to Petitioner no. 2 at the time of the marriage and Petitioner no. 2 assures that confirms that she has received all the household goods and articles which were given to her at the time of marriage.
- (iii) That the petitioner no. 2 declared, confirmed and assured that she shall not interfere into the life of the petitioner no. 1, and petitioner no. 1 also confirmed that he will also not interfere into the life of the petitioner no. 2.
- (iv) That if one of the party concerned fails to appear on the date fixed for dissolution of marriage due to any reason, the other party shall press the petition for

dissolution of the marriage.

7. That the cause of action for this petition arose on 11.12.2019, being the date of marriage, on 24.05.2020, being the date of the petitioner no. 2 going to out of her matrimonial house and on each and every date thereafter.
8. As such, the petitioners have prayed for dissolution of marriage and a decree of divorce of marriage as per the provisions under section 13(B) of the Hindu Marriage Act, 1955.
9. 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 24.05.2020?
 - (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?
10. 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:

11. The Petitioner no. 1, Sri Narayan Das and

Petitioner no. 2, Smt. Ritu Das 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.

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 Narayan Das and Petitioner no. 2, Smt. Ritu Das 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 Petitioner no. 1, Sri Narayan Das and Petitioner no. 2, Smt. Ritu Das on 11.12.2019 stands dissolved U/s. 13(B) of the Hindu Marriage Act 1955.
- 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 6th of April, 2022.

Dictated and corrected by me.

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

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Tinsukia