

**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. 143 of 2021**

On Tuesday, the 24<sup>th</sup> day of May, 2022

Smti. Daiji Buragohain Nee Smti. Daiji Gogoi (23 Yrs.),  
Wife of Sri Bishnu Gogoi,  
D/o. Sri Umananda Buragohain,  
Resident of Patidoi Nagar, Sadiya,  
P.O. Chapakhowa, P.S Sadiya,  
Dist. Tinsukia, Assam.

.....First Petitioner.

**Versus**

Sri Bishnu Gogoi, (26 Yrs.),  
Son of Sri Hodananda Gogoi,  
Resident of Chapakhowa Gaon,  
P.O. Chapakhowa, P.S. Sadiya,  
District Tinsukia, Assam.

.....Second Petitioner.

This suit coming on for final hearing on 24.05.2022 in the presence of :

Sri M. Kakoti & Sri B. K Singh, Advocate..... for the 1<sup>st</sup> & 2<sup>nd</sup> 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 1<sup>st</sup> petitioner namely, Smti. Daiji Buragohain Nee Smti. Daiji Gogoi and Sri Bishnu Gogoi jointly U/s. 13(B) of the Hindu Marriage Act, 1955 for grant of decree of divorce by dissolving the marriage of the 1<sup>st</sup> Petitioner with the 2<sup>nd</sup> Petitioner solemnized between them on 04.08.2019 as per Hindu rites and rituals and their marriage was consummated.
2. The brief case of the petitioners is that soon after the marriage the petitioners owing to the differences in temperament, habits, tastes, thoughts and increasing incompatibility, the relationship between the parties deteriorated and accordingly the 1<sup>st</sup> Petitioner left the company of 2<sup>nd</sup> Petitioner on 25.10.2021 and went to her parents house at Patidoi Nagar, Sadiya, Tinsukia.
3. That several reconciliations and approaches were made by the friends and well wishers to reconcile their disputes but all efforts failed and there is no chance of their reunion. That both the petitioners separated out of their free will and accord on 25.10.2021 and will never return to each other and presently they are living separately

in their respective houses for more than one month without any contact either physical or mental, as such they have jointly agreed to dissolve their marriage by a decree of divorce on mutual consent.

4. 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.
5. That the cause of action for this suit arose on 04.08.2019 being the date of solemnization of their marriage, and on 25.10.2021 being the date from when the Petitioners are living separately and other dates subsequent to that within the jurisdiction of the Court when the 1<sup>st</sup> Petitioner agreed to separate with the departure of Second Petitioner.
6. As such, the petitioners have prayed for dissolution of marriage and a decree of divorce of marriage as per the provisions of section 13B of the Hindu Marriage Act, 1955.
7. 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 24.10.2021?
  - (ii) Whether the Petitioners are entitled to get a 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 1<sup>st</sup> Petitioner, Smti. Daiji Buragohain Nee Smti. Daiji Gogoi and 2<sup>nd</sup> Petitioner, Sri Bishnu Gogoi have separately filed their Evidences on Affidavits and testified in a similar and identical manner as that of the contents of their joint petition, which is narrated above, as such, the evidences on affidavits are not repeated here for sake of brevity.

**O R D E R**

10. Today, after going through the evidence adduced by the petitioners, I find that the petitioners have proved their case. I am satisfied that the marriage between the 1<sup>st</sup> Petitioner, Smti. Daiji Buragohain Nee Smti. Daiji Gogoi and 2<sup>nd</sup> Petitioner, Sri Bishnu Gogoi have irretrievably broken down and there is no possibility of reconciliation between them. There is nothing to discard the evidence on affidavits 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 1<sup>st</sup> Petitioner, Smti. Daiji Buragohain Nee Smti. Daiji Gogoi and 2<sup>nd</sup> Petitioner, Sri Bishnu Gogoi on 04.08.2019 stands dissolved U/s. 13(B) of the Hindu Marriage Act 1955.

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

Given under my hand and seal of this Court on this the  
24<sup>th</sup> of May, 2022.

Dictated and corrected by me.

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

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