

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. 39 of 2022

On Monday, the 30th day of May, 2022

1) Smt. Ananya Rajbongshi (23Yrs.),

W/o. Sourav Chutia,
D/o. Sri Girish Chandra Rajbonshi,
Resident of Bordoloi Nagar, Tinsukia,
P.O.& P.S Tinsukia,
Dist. Tinsukia, Assam.

.....Petitioner No. 1

1) Sri Sourav Chutia,

S/o. Sri Shyamal Chutia,
R/O. Dhelaghat Dhanjan Line,
P.O. & P.S. Tinsukia,
District Tinsukia, Assam.

.....Petitioner No. 2

This suit coming on for final hearing on 27.05.2022 in the presence of :

Sri M. K Singh, 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, Smt. Ananya Rajbongshi, and Petitioner no. 2, Sri Sourav Chutia jointly U/s. 28 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 14.02.2018 before the Marriage Officer at Tinsukia vide Certificate no. 101/2018.
2. The brief case of the petitioners is that the petitioners no. 1 & 2 after the marriage lived together in their respective houses, and never lead a conjugal life together and since 14.02.2018 they are living separately. The petitioners were issueless.
3. Soon after the registration of marriage owing to differences of temperament, habits, tastes, thoughts and increasing incompatibility, the relation between the petitioners deteriorated. The petitioners, therefore, finally separated owing to irreconcilable differences in habits and temperament since the date of court marriage. That further, efforts and attempts were made by family and relatives for reconciliation and

for resumption of the marital relationship, but it has not been possible owing to the vital differences in temperament and total incompatibility to lead a normal married life with dangerous adverse physical and mental consequence, as such they have jointly decided to divorce each other 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 of this petition arose on 14-02-2018 when the Petitioner No. 1 and 2 executed their marriage certificate and since then living separately without consummating their marital life.
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 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 14.02.2018?
 - (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, Smt. Ananya Rajbongshi and Petitioner no. 2, Sri Sourav Chutia 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) Copy of Marriage Certificate issued by the Office of Marriage Registrar, Tinsukia vide certificate no. 101.

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, Smt. Ananya Rajbongshi, and Petitioner no. 2, Sri Sourav Chutia 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, Smt. Ananya Rajbongshi, and Petitioner no. 2, Sri Sourav Chutia on 14.02.2018 stands dissolved U/s. 28 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 30th of May, 2022.

Dictated and corrected by me.

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

(B. Sutradhar)
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Tinsukia