

**IN THE COURT OF THE ADDL. DISTRICT JUDGE,
KARIMGANJ**

Title Suit (Divorce) Case No. 01 OF 2017

Present: Angshuman Kaushik, AJS

Addl. District Judge,

Karimganj

Shri Bimal SinghaPetitioner No. 1

-Versus-

Smt. Ajita Debi Singha.....Petitioner No. 2

This suit coming on for final hearing on 17.08.2017 in the presence of:

Mr. T. Chakraborty, learned Advocate for the Petitioner No. 1

Mr. H. Das, learned Advocate for the Petitioner No. 2

And having stood for consideration to this day, this court delivered the following judgement:

JUDGMENT & ORDER

1. Both the petitioners have appeared with the learned counsel for petitioner no. 1. I have already examined both the petitioners i.e., the petitioner no. 1, the husband and petitioner no. 2, the wife personally, and both of them have verbally stated that they have been residing separately, at the address mentioned in their application u/s 13-B of the Hindu Marriage Act, 1955, since 02.09.2015. They further stated that there is no chance of them continuing a marital life, as they have not been able to reconcile their

differences. As such, they have prayed for a decree for dissolution of their marriage. I have also heard the learned counsel for petitioner no. 1, with respect to the above.

2. Further, the aforesaid petitioners have also filed their joint evidence-on-affidavit, in support of their prayer for grant of a decree of divorce by mutual consent u/s 13-B of the Hindu Marriage Act, 1955.

3. The petitioners stated in their petition that their marriage was solemnised on 11.02.2011 according to Hindu rites and rituals at the residence of the parents of petitioner no. 2. They further stated in their petition that after their marriage, both of them lived and resided at the house of petitioner no. 1 as husband and wife and that at present, they are living separately, at the address mentioned in their application u/s 13-B of the Hindu Marriage Act, 1955 since 02.09.2015, and that they have not been maintaining any conjugal relationship. It is their contention that soon after their marriage, they discovered that there were differences in their tastes, temperament, habits and thoughts and as such, the relationship between them deteriorated day-by-day, and as a result, quarrels became a daily feature and therefore, there is no chance of reconciliation between them. It is the case of the petitioners that they had mutually agreed on 30.12.2016 that there was no point in continuing their marital relationship and as such, had agreed to dissolve their marriage. They further stated that as per their mutual agreement, petitioner no.1 has returned all the stridhan properties to the petitioner no. 2. They also stated that they have withdrawn themselves from the society of each other and that they have no desire to re-unite in future. The petitioners contended that they have mutually agreed that the petitioner no. 1 will pay a sum of Rs. 3,30,000/- (Rs. Three Lakh Thirty Thousand) only on a lump sum basis to the petitioner no. 2 as her permanent alimony and towards her maintenance, as full and final satisfaction of her claim, and that petitioner no. 2 will never put any further claim of any permanent alimony and maintenance to the petitioner no. 1 under any circumstance. They stated that out of the settled amount of Rs. 3,30,000/- (Rs. Three Lakh Thirty Thousand) only the petitioner no. 1 had

paid an amount of Rs 1,00,000/- (Rs. One Lakh) only to the petitioner no. 2 as an advance, which was received by her and acknowledged the receipt of the same, on the day of filing of the instant Title Suit i.e., on 06.01.2017. The petitioners further stated that the rest amount of Rs. 2,30,000/- (Rs. Two Lakh Thirty Thousand) only will be paid and handed over to the petitioner no. 2 by petitioner no. 1 on the date of final hearing of the instant case. The petitioners also stated in their petition that petitioner no. 2 has further agreed to relinquish all future claims on the property of petitioner no. 1 which a divorced wife is entitled to receive lawfully. The petitioners have further stated that petitioner no. 2 will withdraw her cases pending in the court of the learned CJM, Karimganj vide Misc. Case No. 308/15 and G.R. Case No. 2031/15 respectively, filed previously by her against petitioner no. 1.

4. After the institution of the instant case on 06.01.2017, as per the requirement of law, after expiry of the period of six months, both the petitioners appeared personally in this court, and also filed their sworn joint evidence-on-affidavit, reiterating whatever was stated above. In the aforesaid affidavit, it has been stated that the marriage between the parties was solemnised on 11.02.2011 according to hindu rites and rituals and that they are living separately, at the address mentioned in their application u/s 13-B of the Hindu Marriage Act, 1955 since 02.09.2015. It is their contention that soon after their marriage, they discovered that there were differences in their tastes, temperament, habits and thoughts and as such, the relationship between them deteriorated day-by-day, and as a result, quarrels became a daily feature, and therefore, there is no chance of reconciliation between them. They also stated in their affidavit that the petitioner no. 2 had a claim for permanent alimony and maintenance of Rs. 3,30,000/- (Rs. Three Lakh Thirty Thousand) from petitioner no. 1, and the latter had agreed to pay the same, and in pursuance of the aforesaid agreement, had paid an amount of Rs 1,00,000/- (Rs. One Lakh) only to the petitioner no. 2 as an advance of the total settled amount, which was received by her and acknowledged the receipt of the same, on the day of filing of the instant Title Suit i.e., on

06.01.2017. Further, the balance amount of Rs. Rs. 2,30,000/- (Rs. Two Lakh Thirty Thousand) was paid to petitioner no. 2 by petitioner no. 1, today i.e., on 17.08.2017, and the latter has agreed not to make any claim of maintenance in future under any circumstances, and has also agreed to relinquish all future claim on the property of petitioner no. 1. Therefore, both of them have, on the aforesaid ground, prayed for dissolution of their marriage under the provisions of section 13-B of the Hindu Marriage Act, 1955.

5. I have orally examined both the petitioners, and found that their contentions are same to their statements made in their evidence-on-affidavit, and that they are not willing to live as husband and wife anymore. I have also inquired into the matter thoroughly, and is satisfied about the fact that the averments made by the parties, both in the petition and the evidence-on-affidavit are true.

6. Hence, I find that the requirements of section 13-B of the Hindu Marriage Act, 1955, are complied with, and is of the view that that there is no justification in compelling the petitioners to continue as husband and wife as there is no chance of reconciliation between them.

7. In view of the above, the marriage between the petitioner nos. 1 and 2 is hereby dissolved, with effect from the date of the decree. It is declared that henceforth, both the petitioners shall cease to be husband and wife and that there shall not be any claim or counterclaim between the parties with regards the marriage and rights derived therefrom.

8. With this, the instant case stands allowed.

9. Let a decree be prepared accordingly. Given under my hand and seal of this court on this the 17th day of August, 2017.

Angshuman Kaushik
Addl. District Judge,
Karimganj