

IN THE COURT OF ADDL. DIST. & SESSIONS JUDGE
HOJAI, SANKARDEV NAGAR.

T.S.(D) 1/2017

Anil Chandra Nath 1st Petitioner

Smt. Anju Devi 2nd Petitioner

Present :

Sri M. Kalita, A.J.S.
Addl. Dist. & Sessions Judge
Hojai, Sankardev Nagar.

Ld. Advocate for the 1st Petitioner: Mr. S.C. Das, P.N. Singh.

Ld. Advocate for the 2nd Petitioner: Mr. B.A. Choudhury.

Evidence given on: 30/08/2017

Argument heard on: 27/11/2017

Judgment delivered on: 27/11/2017

Judgment

1. This is the petition submitted by the petitioners Sri. Anil Chandra Nath and Smt. Anju Devi who are the husband and wife of each other. The petitioners have filed this petition u/s 13 (B) of Hindu Marriage Act 1955 praying for dissolution of their marriage by decree of divorce on mutual consent.

2. As reflected in the petition the petitioners' case is that, they got married each other on **19/03/2003** by following Hindu Rites and Customs at Lanka Town, under Lanka P.S. & Dist:- Hojai, Assam. After marriage, both of them started to live as husband and wife and continued their conjugal life. But after few months of marriage, they realized that they are not in a position to adjust themselves to each other. They could not adjust their habit, test, culture etc. and as such the peaceful co-existence of the family has been seriously disturbed. Faith on each other was getting lesser and lesser. So, it has become impossible to live together as husband and wife. So they are not in a position to adjust themselves to each other. Ultimately they decided to live separately. Ultimately their matrimonial ties completely broken down. And since **25/08/15**, both the petitioners have been living separately at their respective parental residence. Though the relatives, friends and well wisher of both the petitioners tried their best to reconcile the matter, but their efforts became futile. The petitioner No. 2 has received all Stridhan from the petitioner No. 1 and she has no demand of monthly maintenance or permanent alimony.
3. After giving statutory period of 6 months, the case record is put up. In the written evidence submitted by both the petitioners, they have also stated that they are living separately since **25/08/15** at their respective parental houses. They have no other alternative but to go for

dissolution of marriage on mutual consent. Because there is no chance for restoring the conjugal life.

4. After going through the contents of the petition and after meticulous examination of evidence of the petitioners it is found that as they are not agreed to live together and their marital tie have already broken irretrievably, so they are entitled to decree of divorce by way of mutual consent as they are living separately for more than two years. Both of them have filed the petition u/s 13(B) of Hindu Marriage Act for decree of divorce by mutual consent. So, the prayer is allowed.

The suit is accordingly decreed on mutual consent. Prepare the decree accordingly.

Hence, the suit is disposed off.

The judgment is given under my hand and seal of this Court on this 27th day of November, 2017.

Dictated & corrected by

(Sri. M. Kalita)
Addl. Dist. & Sessions Judge,
Hojai, Sankardev Nagar.

Sri. M. Kalita,

**Addl. Dist. & Sessions Judge,
Hojai, Sankardev Nagar.**

Transcribed and typed by

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