

IN THE COURT OF ADDITIONAL DISTRICT JUDGE,
Tufanganj, Cooch Behar.

Present : Shri Ashis Kumar Das,
Additional District Judge,
Tufanganj, Cooch Bihar.

Matrimonial Suit No. 07/2015

Smt. Suniti Sarkar (Deb)Petitioner No-1.

Sri Swapan Kumar Deb @ Ajit Petitioner No-2.

U/S 13 (B) of the Hindu Marriage Act.

Judgment delivered on : 19th day of March , 2016.

J U D G M E N T

This is a petition u/s 13 B of the Hindu Marriage Act,1955.

Both the petitioners have filed this petition on 30.01.2015 stating therein that they are Hindus by faith and they are husband and wife in relation and their marriage was solemnized as per Hindu Rites and Customs on 17.02.2014 at the parent's place of the petitioner no.1. Since after that solemnization of marriage, they started living as husband and wife in the house of the petitioner no. 2, but they have got no issue.

In course of their joint living it was found that their ideas, habits, tastes are different and despite best endeavor, it was not possible for their joint living and they have been living separately since 28.02.2014 and since then petitioner no-1 has been residing at her parent's house at Babupara , ward No-8 within P.S. Tufanganj, District- Cooch Behar, which is within the jurisdiction of this Court.

It is agreed in between them that the petitioner No-2 will return all the golden ornaments and gifts , received by him during the marriage from the father of petitioner no-1, to petitioner no-1 and similarly, petitioner no-1 will return all the gifts , received by her during the said marriage, to the

Contd...2

petitioner no-2 and they have jointly and mutually decided that the petitioner no-2 / husband would pay Rs. 50,000/- to petitioner No-1 / wife as one time and final / permanent alimony.

They have filed joint petition praying for dissolution of their marriage tie by a decree of divorce on mutual consent.

Both the petitioners have deposed before this Court as P.Ws. 1 and 2 respectively and filed receipts , marked as Exbt-1 ,2 and 3. It appears from their testimonies that they are Hindus by faith and their marriage tie was solemnized on 17.02.2014 as per Hindu Rites and Customs at village- Babupara, ward no-8, P.O and P.S- Tufanganj, Dist- Cooch Behar ,which is within jurisdiction of this court. It also appears from their testimonies that they have been been living separately on and from 28.04.2002.

It further reveals from their testimonies that on account of different tastes and habits of life, they have not been able to live together and their relation has been stained to that extent that their living together as husband and wife is not possible. It further reveals from their testimonies that petitioner no-1 received all gold ornaments and gifts, which her father gifted to her husband / petitioner no-2 , from petitioner no-2 and she issued a receipt to that effect, marked as Exbt-1 and she also received a sum of Rs. 50,000/- from her husband/petitioner no-2 as one time and permanent alimony and she issued another money receipt to that effect , marked as Exbt-2 and petitioner No-2 also received all the gifts, which his parents gave to his wife/ petitioner no-1 at the time of their marriage, from his wife/ petitioner no-1 and he also issued a receipt to that effect, marked as Exbt-3. It also reveals that they have truly and freely agreed to the dissolution of marriage and there is no collusion in presenting the petition.

It is pertinent to mention here that the parties have expressed before this Court about their inability to drag their relation further.

In this factual aspect, this Court is of the opinion that their marriage tie should be dissolved so that they may start their life afresh.

C.F paid is correct.

Hence, it is

Ordered

that the Matrimonial tie in between the petitioner no. 1 and 2, namely, Smt. Suniti Sarkar (Deb) and Shri Swapan Kumar Deb @ Ajit is hereby dissolved by a decree of divorce on mutual consent.

The decree of divorce shall take effect from this date.

Dictated & corrected
by me.

A.D.J.

(ASHIS KUMAR DAS)
Additional District Judge,
Tufanganj, Cooch Behar.
19.03.2016