

Title Suit (Divorce) No.72/2019.

21.11.2020.

The Petitioner No.1, Smt Asomi Sarmah and Petitioner No.2, Sri Pradyut Sarmah are present before the Court along with the learned counsel.

I have heard the learned counsel of both the Petitioners. I have also heard both the Petitioners personally.

Perused the case record.

This is an application filled by the Petitioner No.1, Smt Asomi Sarmah and Petitioner No.2, Sri Pradyut Sarmah u/s 13(B) of the Hindu Marriage Act, 1955 praying for dissolution of their marriage by a decree of divorce on mutual consent. Accordingly, this case was registered u/s 13(B) of the Hindu Marriage Act, 1955.

From the case record, it is apparent that the marriage between the Petitioners was solemnised 25.11.2016 according to Hindu rites and ceremonies at 'Kathiatali Shiva Mandir' under Kampur Police Station in the district of Nagaon. After the marriage, both the Petitioners lived together as husband and wife in the Petitioner No.2's house. But, after few days, their marital life was struck by a chord of disharmony and they decided to stay separately. On 13.04.2017, the Petitioner No.1 voluntarily left

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21.11.2020.

Continued.

her matrimonial house and since then, they have been staying separately till date. Both the Petitioners are, now, staying separately and during this period of separation, both the Petitioners have not met each other even for a single day. This petition was filed on 21.09.2019. So, there is no legal bar in filing of this case u/s 13(B) of the Hindu Marriage Act, 1955.

From the case record, it is clear that after the petition was filed on 21.09.2019, both the Petitioners were accorded 6 months time to ponder over their decision.

From the case record as well as from the oral submissions of both the Petitioners, it is found that they have been staying separately from each other and there was no reconciliation or cohabitation between them for more than three years. The Petitioners have prayed for dissolution of their marriage by a decree of divorce on mutual consent as they have been staying separately from each other for last three years and more, till today and as there was no reconciliation or cohabitation between them.

Hence, the petition u/s 13(B) of the Hindu Marriage Act, 1955 is allowed.

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21.11.2020.
Continued.

The Marriage between the Petitioner No.1, Smt Asomi Sarmah and Petitioner No.2, Sri Pradyut Sarmah is, hereby, dissolved by a decree of divorce on mutual consent.

Prepare a decree, accordingly.

The Petition No.552/2020 dtd. 21.11.2020 filed by both the Petitioners praying to pass a decree of divorce by mutual consent is marked as 'X'. The petition marked as 'X' will form a part of the decree. It is clear that the Petitioner, Smt Asomi Sarmah has already received an amount of Rs.6,50,000/- (Rupees Six Lacs Fifty Thousand) only, as installment from Sri Pradyut Sarmah.

District Judge,
Lakhimpur, N.L.