

CAUSE TITLE
TITLE SUIT (DIVORCE) NO.5/2019.

Petitioner : Smti Pranabshree Saikia.
D/o Late Krishna Saikia.
Vill. Uttarkari.
P.O. Dolohat.
P.S. Laluk.
Dist. Lakhimpur.

Respondent : Sri Tularam Gogoi.
S/o Late Jayram Gogoi.
Vill. No.1 Lathow.
P.O. Nowboicha.
P.S. North Lakhimpur.
Dist. Lakhimpur.

Advocates :

For the Petitioner : Smti Mitali Doley, Advocate.
For the Respondent : Sri Pankaj Saikia, Advocate.

**IN THE COURT OF THE DISTRICT JUDGE, LAKHIMPUR,
AT NORTH LAKHIMPUR.**

Present : Smti S.P. Khaund, (MA Economics, LLB),
District Judge,
Lakhimpur, North Lakhimpur.

TITLE SUIT (DIVORCE) NO.5/2019.

Smti Pranabshree Saikia. ... Petitioner.

-VS-

Sri Tularam Gogoi. ... Respondent.

Date of Argument : 15.02.2020.

Date of Judgment : 13.03.2020.

J U D G M E N T

1) This Petition under Section 13(i-a), (I-b) of the Hindu Marriage Act, 1955 (the Act for short), was filed by Petitioner, Smti Pranabshree Saikia for dissolution of marriage solemnised between her and her husband, Sri Tularam Gogoi (Respondent in short) by a Decree of Divorce.

2) The brief facts leading to the Petition as stated therein is that the marriage between the Petitioner and the Respondent was solemnised on 14.04.2007 according to Hindu rites whereafter they started their conjugal life in the Respondent's house. After two years of their marriage, the Respondent started torturing the Petitioner mentally and physically on demand of dowry. He was suspicious of her moral character. Though the Petitioner after solemnisation of her marriage intended to continue her studies, but she was not allowed by the Respondent. The Respondent always ignited quarrels with the Petitioner in petty topics and behaved with her very roughly. The

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Petitioner tried to tolerate all the odds of their marital life for the sake of happy conjugal life. But, the Respondent never changed his rude attitude towards the Petitioner. The Petitioner took admission in Nursing course at Tezpur. The Respondent used to yell at her using abusive language and threatened her in presence of all the students. The Petitioner in the year, 2016 left the house of the Respondent and since then she has been residing in her parental home. The Petitioner has prayed for dissolution of her marriage with the Respondent by a decree of divorce.

3) The Respondent also contested the case by filing Written Statement denying all the allegations against him. The Respondent has submitted that there was no quarrel between them. The Petitioner is an ambitious lady and she was not happy with his income. He is a muster roll employee, and he does not receive regular salary from his service. He could not fulfill the Petitioner's demand of luxurious car, house, furniture etc., for which the Petitioner was often displeased with him. He went to the Petitioner's parental home to bring her back, but she clearly stated that she does not want to continue her marital life with him. The Respondent has no objection if the marriage between them is dissolved by a decree of divorce.

4) During the proceeding, the following points were taken up for proper adjudication of this case :

- i) Whether there is any cause of action for this suit?
- ii) Whether the suit is maintainable in its present form?
- iii) Whether the Respondent, Sri Tularam Gogoi since after the solemnisation of his marriage with the Petitioner, Smti Pranabshree Saikia treated the Petitioner, Smti Pranabshree Saikia with cruelty?
- iv) To what relief or reliefs, if any, the parties are entitled?

DECISION AND THE REASONS THEREOF.

5) For the sake of brevity, all the points will be decided conjointly. This case proceeded only on the evidence of the Petitioner.

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6) The Petitioner submitted her evidence-in-chief through affidavit. The Petitioner's evidence reiterates her pleadings. Sri Jayanta Bora testified as Petitioner's Witness No.2 that after two years of the marriage between the Petitioner and Respondent, the latter started subjecting the Petitioner with cruelty, demanding dowry. PW.2's evidence is similar to that of the Petitioner's. The Respondent failed to rebut the evidence of the Petitioner's witnesses during cross-examination. Thus, it is clear that the Petitioner was subjected to cruelty by the Respondent and this impelled her to take shelter in her parental home since the year, 2016. Thus, there is a cause of action and the suit is maintainable.

7) On the preponderance of probability, it is thereby held that the Petitioner was subjected to cruelty. The Respondent used to subject the Petitioner to cruelty. The Respondent in his Written Statement clearly stated that he has no objection if his marriage solemnised with the Petitioner is dissolved by a decree of divorce.

8) In view of my foregoing discussions, it is thereby held that the Petitioner was able to establish her case against the Respondent. The marriage between Smti Pranabshree Saikia and Sri Tularam Gogoi is, hereby, dissolved by a decree of divorce.

9) As the Petitioner has not prayed for alimony, hence, no order for alimony is passed.

10) Prepare a Decree, accordingly.

11) No order as to costs as this case is almost settled between the parties.

Judgment is signed, sealed and delivered in the open Court on the 13th day of March, 2020.

(S.P. Khaund)
District Judge,
Lakhimpur, North Lakhimpur.

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Certified that the Judgment is typed to my dictation and corrected by me and each page bears my signature.

(S.P. Khaund)
District Judge,
Lakhimpur, North Lakhimpur.

Transcribed and typed by :
Sri Satyabrata Kshattri, Stenographer.