

Title Suit (Divorce) No.61/2019.

07.03.2020.

The Petitioner No.1, Smti Dipanjali Borah and Petitioner No.2, Sri Pankaj Kumar Boruah are present before the Court along with the learned counsel.

Both the Petitioners have filed their joint evidence-in-chief through affidavit.

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 filed by the Petitioner No.1, Smti Dipanjali Borah and Petitioner No.2, Sri Pankaj Kumar Boruah u/s 28 of the Special Marriage Act, 1954 praying for dissolution of their marriage by a decree of divorce on mutual consent. Accordingly, this case was registered u/s 28 of the Special Marriage Act, 1954.

From the case record, it is apparent that both the Petitioners got married on 24.07.2018 as per Hindu rites and ceremonies. From the case record, it is found that both the Petitioners lived together as husband and wife till 30.08.2018, and they have been living separately for more than one year from the date of filing of this case. There is no co-habitation between them. This case was filed on 06.09.2019. So, there is no legal bar in filing of this case u/s 28 of the Special Marriage Act, 1954.

From the case record, it is clear that after filing of this case on 06.09.2019, both the Petitioners were accorded 6 months time to ponder over their decision, fixing 07.03.2020 i.e. today, for hearing.

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From the case record as well as from the oral submissions of both the Petitioners, it is found that they have been living separately from each other and there was no reconciliation or cohabitation between them since 30.08.2018. The Petitioners have prayed for dissolution of their marriage by a decree of divorce on mutual consent as they have been living separately from each other since 30.08.2018 till today and as there was no reconciliation or cohabitation between them.

Hence, the petition u/s 28 of the Special Marriage Act, 1954 is allowed.

The Marriage between the Petitioner No.1, Smti Dipanjali Borah and Petitioner No.2, Sri Pankaj Kumar Boruah is, hereby, dissolved by a decree of divorce on mutual consent. Issue precept to the Marriage Officer for cancellation of the marriage certificate.

District Judge,
Lakhimpur, N.L.