

CAUSE TITLE

TITLE SUIT (DIVORCE) NO.70/2019.

Petitioner : 'X'

Respondent : 'Y'

Advocates :

For the Petitioner : Mr. Surjya Kumar Borah,
Advocate.

For the Respondent : None appeared.

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

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

TITLE SUIT (DIVORCE) NO.70/ 2019.

'X' ... Petitioner.

-VS-

'Y' ... Respondent.

Date of Argument : 03.04.2021.

Date of Judgment : 07.05.2021.

J U D G M E N T

1) This suit for divorce has arisen out of a Petition submitted by the Petitioner, 'X' under Sec.13 (1) (i-a) of the Hindu Marriage Act, 1955 (the Act for short), for dissolution of marriage between herself and Respondent, 'Y', by a Decree of Divorce.

2) The case of the Petitioner, in brief, is that on 23.12.2009, the Respondent married her according to Hindu rites and ceremonies and thereafter, both the parties have been staying together as man and

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wife in the Respondent's house and they were blessed with a daughter, who is now 7 years old. It is alleged that after five months of their marriage, the Respondent started to subject the Petitioner to physical as well as mental cruelty without any reason and demanded dowry, and she was also threatened by the Respondent with dire consequences. On 06.07.2017, the Respondent drove her out from her matrimonial house. Finding no alternative, she was compelled to take shelter in her parental home. Under these premises, the Petitioner prays for a decree of divorce for dissolution of her marriage with the Respondent.

3) Notice was duly received by the Respondent, and as the Respondent did not turn up, the suit proceeded exparte against the Respondent.

4) The Petitioner submitted her evidence-in-chief through affidavit in support of her case.

5) Heard the learned counsel for the Petitioner exparte.

POINTS FOR DETERMINATION :-

i) Whether the Petitioner deserves a decree of divorce ?

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DECISION AND REASONS THEREOF :

6) The Petitioner in her evidence-in-chief testified that on 23.12.2009, the Respondent married her according to Hindu rites and ceremonies and thereafter, both the parties have been staying together as man and wife in the Respondent's house and they are blessed with a daughter, who is now 7 years old. It is alleged that after five months of their marriage, the Respondent started to subject the Petitioner to physical as well as mental cruelty without any reason and demanded dowry, and she was also threatened by the Respondent with dire consequences. On 06.07.2017, the Respondent drove her out from her matrimonial home. Finding no alternative, she was compelled to take shelter in her parental home. The Petitioner prays for a decree of divorce for dissolution of her marriage with the Respondent.

7) The Respondent did not come forward to contest the suit by filing written statement as well as by cross examining the Petitioner. It is proved that the Petitioner was subjected to cruelty by the Respondent and she was ultimately deserted by him.

8) Accordingly, the Petitioner is found entitled to a Decree of Divorce on the ground of cruelty and desertion.

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9) Consequent to my discussion and decision as indicated here-in-before, decree of divorce is granted exparte on dissolution of the marriage between the parties and accordingly, the marriage solemnised between the Petitioner and the Respondent is, hereby, dissolved.

10) Prepare a Decree, accordingly.

11) This Title Suit (Divorce) stands disposed of, accordingly.

Judgment is signed, sealed and delivered in the open Court on the 7th day of May, 2021.

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

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.