

**CAUSE TITLE**

**TITLE SUIT (DIVORCE) NO.37/2015.**

Petitioner : 'X'

Respondent : 'Y'

**Advocates :**

For the Petitioner : Mr. Mustafa Hassan, 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.37/ 2015.**

'X' ... Petitioner.

-VS-

'Y' ... Respondent.

Date of Argument : 20.02.2021.

Date of Judgment : 06.04.2021.

**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) (i-b) 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 12.03.2007, 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. It is alleged that after about six months of their marriage, the Respondent started to subject the victim to physical as well as mental cruelty without any reason and demanded a motorcycle and money, and on two occasions, the Petitioner gave a sum of Rs.5,000/- and Rs.10,000/- to the Respondent, but the Respondent's kept on demanding money and inflicting torture upon

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her. After birth of the child, the Respondent's cruelty towards the Petitioner reached to such an extent that on 12.08.2012, the Respondent and his family members brutally assaulted her and drove her out from her matrimonial home along with her child threatening her with dire consequences. Finding no alternative, she was compelled to take shelter in her parental home. Thereafter, the Petitioner came to her sister's house at North Lakhimpur along with her child, and she started to earn her livelihood by working as day labourer and she purchased some household goods, viz., TV, Gold earrings etc. for her and her child. But, on 02.10.2014, the Respondent came to North Lakhimpur along with Tezpur police and took her and her valuable articles viz., TV, Gold earrings along with her child to Tezpur Police Station. The Petitioner was kept for one night at the Tezpur Police Station and on the following day, the Petitioner was taken to the Respondent's house, where she stayed for one week. The Petitioner was tortured by the Respondent and was not even allowed to go out from the house and talk with the Petitioner's family members. On 06.10.2014, the Respondent assaulted the Petitioner and her family members. She was tied to a tree and severely beaten with 'lathi' and her right leg was severely injured. The Respondent also tried to kill the Petitioner with a knife. On 07.10.2014, the Petitioner's sister with the help of police recovered the Petitioner and brought her back to Lakhimpur, and since then the Respondent never enquired about her and her child. Under the 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 ex parte 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 ex parte.

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**POINT FOR DETERMINATION :-**

i) Whether the Petitioner deserves a decree of divorce ?

**DECISION AND REASONS THEREOF :**

6) The Petitioner in her evidence-in-chief testified that on 12.03.2007, 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. After about six months of their marriage, the Respondent started to subject her to physical as well as mental cruelty without any reason and demanded a motorcycle and money, and on two occasions, she gave a sum of Rs.5,000/- and Rs.10,000/- to the Respondent, but the Respondent's kept on demanding money and inflicting torture upon her. After birth of the child, the Respondent's cruelty towards her reached to such an extent that on 12.08.2012, the Respondent and his family members brutally assaulted her and drove her out from her matrimonial home along with her child threatening her with dire consequences, and finding no alternative, she was compelled to take shelter in her parental home. Thereafter, she came to her sister's house at North Lakhimpur along with her child, and she started to earn her livelihood by working as daily labourer and she purchased some household goods, viz., TV, Gold earrings etc. for her and her child. But, on 02.10.2014, the Respondent came to North Lakhimpur along with Tezpur police and took her and her valuable articles viz., TV, Gold earrings along with her child to Tezpur Police Station. She was kept for one night at the Tezpur Police Station and on the following day, she was taken to the Respondent's house, where she stayed for one week. She was tortured by the Respondent and was not even allowed to go out from the house and talk with her family members. On 06.10.2014, the Respondent assaulted her and her family members. She was tied to a tree and severely beaten with 'lathi' and her right leg was severely injured. The Respondent also tried to kill her with a knife. On

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07.10.2014, her sister with the help of police recovered her and brought her back to Lakhimpur, and since then the Respondent never enquired about her and her child. 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 he was ultimately deserted by her.

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

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 6<sup>th</sup> day of April, 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.