

Assam Schedule VII. Form No. 132

**HIGH COURT FORM NO J (2)**  
**HEADING OF JUDGMENT IN ORIGINAL SUIT**  
**DISTRICT: LAKHIMPUR**  
**IN THE COURT OF THE MUNSIFF NO.1, NORTH LAKHIMPUR,**  
**LAKHIMPUR**  
**WEDNESDAY THE 24<sup>th</sup> DAY of MARCH 2021**  
**Title Suit (D) No: 20/2018**

**Present: Ms. Sparsita Garg, M.A, LL.M, AJS**  
**Munsiff No.1, North Lakhimpur,**  
**Lakhimpur.**

Md. Usman Ali  
S/o- Late Ibrahim Ali  
Village-: Kachikata Bagan  
P.S.: Bihpuria  
District: Lakhimpur, Assam.....**Petitioner.**

**Versus**

Musstt. Rohila Begum  
W/o: Md. Usman Ali  
Village-: Kachikata Bagan  
P.S.: Bihpuria  
District: Lakhimpur, Assam .....**Respondent.**

This suit coming on for ex-parte hearing on **15<sup>th</sup> day of March 2021**  
in the presence of:-

Smti. Madhumita Ghosh .....**Learned Counsel for petitioner.**  
NIL.....**Learned Counsel for respondent.**

And having stood for consideration to this **24<sup>th</sup> day of March 2021**, the court delivered the following Judgment:-

**EX-PARTE JUDGMENT**

- 1.** This is a suit filed by the petitioner seeking a decree of divorce.
- 2.** The petitioner in his plaint submitted that his marriage was solemnized with respondent on 27.04.2004 after observing rites and rituals of Muslim Law. Thereafter both parties started their conjugal life and lived together as husband and wife. Out of the said wedlock two children namely, Dilwar Hussain and Janatul Ali were born to them. The petitioner further submitted that he went to Arunachal Pradesh for his livelihood leaving behind the respondent and their children. The respondent thereafter started to move around with different male persons and on being resisted the respondent abused and threatened the petitioner and his family members and thereafter left her matrimonial house along with her children on 27.07.2016. The petitioner approached the respondent to come back to her matrimonial house but the respondent forced the petitioner to live separately. The petitioner had to come back leaving the respondent at her parental house. Thereafter the respondent filed cases in the police station as well as court against the petitioner and his family members with an intent to harass them. Due to such behaviour of the respondent, the petitioner and his family members are mentally and physically harassed. Accordingly, the petitioner prayed for dissolution of the marriage with the respondent. Hence, this suit.
- 3.** The respondent received summon but she did not contest the proceeding for which the suit proceeded ex-parte.
- 4.** I have heard learned counsel for the petitioner and also gone through the evidence on record. The petitioner **Md. Usman Ali** examined himself as **P.W-1** and **Md. Ahed Ali** as **P.W-2**. The evidence of P.W-1 and P.W-2 remained un rebutted. Both the

witnesses corroborated the statements made in the pleadings. The evidence goes to show that the respondent is the legally married wife of the petitioner and out of the said wedlock two children were born to them. At present the respondent is staying separately with her children at her parental house. Further the petitioner has alleged that the respondent has led an unruly life by mixing up with different male persons. Thus, the petitioner/husband has alleged that the respondent is a woman of bad character and that she filed false cases against the petitioner and his family members in order to cause harassment on the ground of cruelty. Except for the evidence of P.W-2 there is nothing to show that the respondent is a woman of bad character and that the cases filed by the respondent against the petitioner and her family members were false and those cases were filed only to cause harassment to the petitioner. Law is very clear that in order to succeed in a case the burden shifts upon the party who claims the allegations against others. The allegations made by the petitioner in his plaint and the evidence led by the petitioner side is not convincing enough to hold that the petitioner suffered mental agony and harassment caused by respondent. Hence, there is nothing to hold that the respondent is a woman of bad character and has filed multiple cases to cause harassment to the petitioner and his family members.

5. Suit is accordingly dismissed ex-parte without cost.
6. Prepare a decree accordingly.

Given under my hand and seal on this 24<sup>th</sup> day of March, 2021 at  
North Lakhimpur , Lakhimpur.

**Ms. Sparsita Garg**  
Munsiff No.1,  
North Lakhimpur, Lakhimpur

**A P P E N D I X**

**7. WITNESSES OF PETITIONER SIDE:**

1. **P.W-1:** Md. Usman Ali
2. **PW-2 :** Md. Ahed Ali

**8. EXHIBITS OF PETITIONER SIDE: NIL**

**9. WITNESS OF DEFENSE SIDE: NIL**

**10. EXHIBITS OF DEFENSE SIDE: NIL**

**(Ms. Sparsita Garg)**  
Munsiff No.1,  
North Lakhimpur, Lakhimpur