

CAUSE TITLE

TITLE SUIT (DIVORCE) NO.44/2019.

Petitioner : 'X'

Respondent : 'Y'

Advocates :

For the Petitioner : Mrs. M.D.G. Baruah, 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.44/ 2019.

'X' ... Petitioner.

-VS-

'Y' ... Respondent.

Date of Argument : 05.03.2021.

Date of Judgment : 15.05.2021.

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) (i-b) of the Hindu Marriage Act, 1955 (hereinafter 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 17.08.2002, the Respondent married her according to Hindu rites at 'Padumoni Ai-Tham', Bhimpura

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Balijan, P.S. Boginadi, and thereafter, both the parties had been staying together as man and wife in the Respondent's house. After two years of their marriage, they were blessed with a daughter on 22.08.2004, who is now 15 years old. It is alleged that after birth of their daughter, the Respondent and his family members started to subject the Petitioner to physical as well as mental cruelty. The Respondent used to rebuke her using slang words. Initially, the Petitioner tolerated the cruelty meted to her by the Respondent with a hope that his behaviour will be changed, so she did not disclose the matter to her parents. In the year, 2013, the Respondent went to Hyderabad without informing her and in the month of June, 2013, he got married to another girl. Thereafter, the Petitioner left her matrimonial home with her minor daughter and finding no alternative, she was compelled to take shelter in her parental home. Under the premises, the Petitioner prays for a decree of divorce for dissolution of her marriage with the Respondent.

3) The Respondent after receipt of the notice appeared and prayed for time to file written statement on two occasions, but thereafter he did not turn up. So, the suit proceeded ex parte against the Respondent.

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

5) Heard the learned counsel for the Petitioner exparte.

POINT FOR DETERMINATION :-

i) Whether the Petitioner deserves a decree of divorce ?

DECISION AND REASONS THEREOF :

6) The Petitioner in her evidence-in-chief deposed that on 17.08.2002, the Respondent married her according to Hindu rites at 'Padumoni Ai-Tham', Bhimpora Balijan, P.S. Boginadi, and thereafter, both of them had been staying together as man and wife in the Respondent's house. After two years of their marriage, they were blessed with a daughter on 22.08.2004, who is now 15 years old. After birth of the daughter, the Respondent and his family members started to subject her to physical as well as mental cruelty. The Respondent used to rebuke her using slang words. Initially, the Petitioner tolerated all the cruelty with a hope that his behaviour will be changed, so she did not disclose the matter to her parents. In the year, 2013, the Respondent went to Hyderabad without informing her and in the month of June, 2013, he got married

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to another girl. Thereafter, she left her matrimonial home with her minor daughter and 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 the Respondent.

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. The Petitioner has not, however, prayed for alimony. No order as to costs.

10) Prepare a Decree, accordingly.

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

Judgment is signed, sealed and delivered in the open Court on the 15th 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.