

High Court Form No.(J)3.  
HEADING OF JUDGMENT IN THE APPEAL.

District : Lakhimpur.

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

Present: Smt S.P. Khaund, (M.A. Economics, L.L.B.),  
District Judge,  
Lakhimpur, North Lakhimpur.

**Title Suit (Divorce) No.4/2021.**

The 18<sup>th</sup> day of September, 2021.

'X' ... Petitioner.

-versus-

'Y' ... Respondent.

This case is coming on for final hearing on  
04.09.2021 in presence of :

Sri Brojen Baruah, the learned advocate for the  
Petitioner.

None appeared for the Respondent.

and having stood for consideration  
to this day this Tribunal has delivered the following  
JUDGMENT.

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**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.4/2021.**

'X' ... Petitioner.

-VS-

'Y' ... Respondent.

Date of Argument : 04.09.2021.

Date of Judgment : 18.09.2021.

**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.27 of the Special Marriage Act, 1954 ( 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 the marriage between the Petitioner and the Respondent was solemnised on 17.09.2020 in presence of the Marriage Officer, Lakhimpur, North Lakhimpur vide Marriage Certificate No.209. It is

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alleged that the Respondent subjected the Petitioner to physical and mental cruelty. The Respondent induced the Petitioner to fall in love with him by lying and flattering her. He lied to her, before marriage that he was a bank Probationary Officer in Assam Gramin Vikash Bank, Moran Branch, Dibrugarh. He even showed his identity card. The Respondent deceived the Petitioner and her family members. After their court marriage, the Respondent did not take her to his house stating that only after social marriage, he would take her to his house. The Petitioner and the Respondent were about to perform social marriage on 10.12.2020, but on suspicion, the Petitioner's father's friend's son, namely Dipankar Gogoi in the month of November, 2020, went to the Assam Gramin Vikash Bank, Moran Branch, Dibrugarh, and there he learnt that the Respondent was a Grade-IV casual worker and he was absent from the month of September, 2020, and he borrowed money from many people. When the Petitioner confronted him, the Respondent assaulted her and demanded Rs.5 Lacs from her so that he could start a business and repay his debts. He often used to come to the Petitioner's house and demand Rs.5 Lacs, and on refusal, he would assault the Petitioner and create nuisance by shouting, abusing, kicking and ransacking the house. Under the premises, the

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Petitioner prays for a decree of divorce for dissolution of her marriage with the Respondent.

3) On receipt of notice, the Respondent did not appear to contest the suit. So, the suit proceeded *exparte* against him.

4) The Petitioner and her mother submitted their evidence-in-chief through affidavit in support of the Petitioner's 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 testified as PW.1 that her marriage with the Respondent was solemnised on 17.09.2020 before the Marriage Officer, Lakhimpur, North Lakhimpur vide Marriage Certificate No.209. After their marriage, the Respondent subjected her to physical and mental cruelty. The Respondent induced the Petitioner to fall in love with him by lying and flattering her. He

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told her before marriage that he was a bank Probationary Officer in Assam Gramin Vikash Bank, Moran Branch, Dibrugarh. He even showed his identity card. The Respondent deceived her and her family members. After their court marriage, the Respondent did not take her to his house stating that only after social marriage, he would take her to his house. The Petitioner and the Respondent were about to perform social marriage on 10.12.2020, but on suspicion, her father's friend's son, namely Dipankar Gogoi in the month of November, 2020, went to the Assam Gramin Vikash Bank, Moran Branch, Dibrugarh, and there he learnt that the Respondent was a Grade-IV casual worker and he was absent from work from the month of September, 2020, and he borrowed money from many people. When she confronted the Respondent, the Respondent assaulted her and demanded Rs.5 Lacs from her so that he could start a business and repay his debts. He often used to come to her house and demand Rs.5 Lacs, and on refusal he would assault her and create nuisance by shouting, abusing, kicking and ransacking the house. Under the premises, she prays for a decree of divorce for dissolution of her marriage with the Respondent. The Petitioner's evidence is supported and corroborated by her mother's evidence, who gave her evidence-in-chief as PW.2.

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7) The Respondent did not contest the case, and the case proceeded ex parte against him. It is proved that the Petitioner was subjected to cruelty by the Respondent.

8) Accordingly, the Petitioner is found entitled to a Decree of Divorce on the grounds of cruelty and deceit. The Petitioner has not claimed any alimony.

9) Issue precept for cancellation of the marriage certificate.

### **ORDER**

10) Consequent to my discussion and decision as indicated here-in-before, Decree of divorce is granted ex parte on dissolution of the marriage between the parties and accordingly, the marriage between the Petitioner and the Respondent is, hereby, dissolved.

11) Prepare a Decree, accordingly.

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

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Judgment is signed, sealed and delivered in the open Court on the 18<sup>th</sup> day of September, 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.