

Assam Schedule VIII. Form No. 143
High Court Form No. (J) 13

ORDER-SHEET FOR CIVIL COURT

DISTRICT : SONITPUR

IN THE COURT OF THE DISTRICT JUDGE, SONITPUR, TEZPUR

T.S. (M) Case No. 13 of 2021

Sri Jiten Saikia

Vs

Smti Kaju Saikia (Lukumoni Kalita)

Serial No. of Orders	Date	Order	Signature
	<u>10-08-2021</u>	<p>This is an application u/s 13(B) of Hindu Marriage Act, 1955 for dissolution of marriage by decree of divorce by mutual consent.</p> <p>In the petition, it is specifically pleaded that the marriage between the Petitioner No. 1 Sri Jiten Saikia and Petitioner No. 2 Smti Kaju Saikia (Lukumoni Kalita) was solemnized on 14-10-2010 according to Hindu Rites and Customs and they were living as husband and wife at Vill Dekargaon Saikia Chuburi, P.O.- Dekargaon, P.S. Tezpur, District- Sonitpur, Assam and out of their wedlock one boy was born namely, Lakhyajit Saikia on 04-09-2012. Pleading reveals that marital life of the petitioners does not last long because of irreconcilable temperament, attitude, different ideas, habits, tastes and thoughts of both sides. Since 25-03-2018 there is no marital tie/relationship between the parties. Despite mediations by close relatives and well wishers it has become impossible for the petitioners to live together as husband and wife anymore.</p> <p>It is further pleaded that now both the petitioners out of their own free will/accord broke the marital relationship and both intend to withdraw themselves from their company and since 25-03-2018, the petitioner No. 2 has been residing at village Pub Ketekibari, P.O.-</p>	

Ketekibari, P.S. Tezpur, Dist. Sonitpur, Assam. There is absolutely no chance for reconciliation, re-union or co-habitation for which they mutually agreed that the marriage should be dissolved. There is no force, threat or coercion on the part of either side in coming to such mutual agreement. It is further stated that the child namely, Lakhyajit Saikia will live and reside with his father the petitioner No. 1 Jiten Saikia and petitioner No. 2 has no claims whatsoever regarding the custody and guardianship of the child. It is stated that the petitioner No. 2 has no claim from the petitioner No. 1 in the form of permanent alimony or monetary relief whatsoever.

Both parties being personally present in Court and filed joint evidence-on-affidavit stating the same fact as has been pleaded in the petition thereby corroborating their joint wish/desires.

Therefore, this Court is fully convinced that parties have voluntarily agreed to dissolve their marriage by mutual consent, there is no need to further waste time at the peril of the petitioners.

Accordingly, having been fully satisfied in all respect that decree of divorce by mutual consent is the ultimate relief sought by the parties without any force, coercion, threat or fraud by either side, the decree of divorce by mutual consent as sought by the parties is hereby granted and the son namely Lakhyajit Saikia will live and reside with petitioner No. 1 i.e. his father Sri Jiten Saikia and petitioner No. 2 can meet their son as per her wish and needs after dissolution of marriage.

Prepare the decree accordingly.

(C.B. Gogoi)
District Judge
Sonitpur, Tezpur