

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. 57 of 2021

Sri Abir Ganguli

Vs

Smti Arpita Ganguli

| Serial No. of Orders | Date | Order | Signature |
|----------------------|--------------------------|---|-----------|
| | <u>11-08-2021</u> | <p>This is an application u/s 13(B) of Hindu Marriage Act, 1976 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 Abir Ganguli and Petitioner No. 2 Smti Arpita Ganguli was solemnized on 06-08-2005 at Dighali Baliyan, Mauza- Balipara, District Sonitpur according to Hindu Rites and Customs. Thereafter, they were living as husband and wife at M.C. Ganguli Road, Tezpur, Mauza- Mahabhairab, P.S. Tezpur, District- Sonitpur, Assam and out of their wedlock one son was born after one year of the marriage namely, Arghyadip. Pleading reveals that marital life of the petitioners does not last long because of discord and disharmony in their conjugal life. Since last 6 (six) years 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 then, the petitioner No. 2 has been residing in her parental house. There is absolutely no</p> | |

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 stated that out of mutual settlement arrived at between the parties, the petitioner No. 1 agreed to give an amount of Rs. 2,00,000/- (Rupees Two Lakh) only to the petitioner No. 2 as permanent alimony out of which petitioner No. 1 already paid an amount of Rs. 10,000/- (Rupees Ten Thousand) only and today the petitioner No. 1 paid the remaining amount to the petitioner No. 2.

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, therefore, 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 Arghyadip aged 8 years will reside under the care and custody of the petitioner No. 2 i.e. his mother Smti Arpita Ganguli and petitioner No. 1 has the right to visit and to meet his son Arghyadip as and when he feel necessary at any convenient time and place mutually decided between them and he shall contribute to the extent of his capacity for all-round development of his son till he attain majority.

Prepare the decree accordingly.

Accordingly, the case is disposed off.

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

