

T.S(M) No. 128 of 2022

(Sri Kaushik Kumar Kalita and Smti Devika Barman)

Present: N.Goswami, Addl. District Judge(FTC)Sonitpur,Tezpur

21-11-2022

The petitioners are present.

This case was registered on the basis of a petition filed by the petitioners namely Sri Kaushik Kumar Kalita and Smti Devika Barman u/s 28 of the Special Marriage Act with prayer to grant decree of divorce on mutual consent.

The petitioner's case, in brief, is that both the petitioners solemnized their marriage on 17-12-2018 under the Special Marriage Act, at the Office of the Marriage Officer, Sonitpur, Tezpur. The Marriage Certificate No. 1032/18 was issued. The petitioners never lived together as husband and wife since the solemnization of their marriage. Gradually, they realized that they have differences in their temperaments and their way of life and that it will not be possible for them to live together. Several efforts were made at the behest of their friends and relatives for reconciliation but to no avail. Their marriage was never consummated. Thereafter, the petitioners decided to obtain a decree of divorce on mutual consent. The petitioners have averred that there is no collusion between them and the petition was filed bonafide. They have prayed to pass an order dissolving their marriage with a decree of divorce.

The statutory period of six months had elapsed since filing of the petition. The petitioners have not entered into any compromise. They have filed their affidavit evidence, in which they reiterated the facts narrated in their petition. The certified copy of the Marriage certificate has been furnished. It appears that although the petitioners registered their marriage, they never lived together as husband and wife and their marriage was not consummated. The petitioners have voluntarily filed this petition for dissolution of their marriage since they have several differences and they have realised that it will not be possible on their part to live together as husband and wife.

As such, the petition is allowed. The marriage between the petitioners dated 17-12-2018 is declared to have been dissolved.

Let a precept be issued to the District Marriage Officer, Sonitpur, Tezpur for cancellation of the marriage certificate 1032/18 dated 17-12-2018.

Let a decree of divorce on mutual consent be drawn up accordingly.

With this order, this case is disposed of.

(N. Goswami)
Addl. District Judge (FTC)
Sonitpur , Tezpur.