

**Title Suit (M) Case No. 02 of 2021**

**Smti. Rashmi Biswas**

**-VS-**

**Sri Pinku Biswas**

**Present:-Smti. T. Hussain,**

**Addl. District Judge, Biswanath Chariali.**

**ORDER**

The petitioner is represented by her learned counsel.

By this order, it is proposed to dispose of the instant suit for divorce instituted by the petitioner Smti. Rashmi Biswas, u/s-13(1)(ia)(ib) of the Hindu Marriage Act, 1955 for dissolution of her marriage with the respondent namely Sri Pinku Biswas by passing a decree of divorce on the ground of cruelty.

The case of the petitioner in brief is that her marriage with the respondent was solemnized on 23-06-2010 and it was a love marriage. After their marriage they started their conjugal life in the house of the respondent. As a result of their wedlock, after 4 years of their marriage, a child was born to them. It is alleged that the respondent is an alcoholic and drug addict. He started to torture the petitioner physically to such extent that it was unbearable for her. Further, the respondent's family attempted to kill the petitioner and her child a few times. Gradually the behavior of the respondent became unnatural and he began to torture physically and mentally even the child. Due to such behavior of the respondent, the petitioner had to take shelter in her parental home at Malipur village under Gohpur Police Station on 04-08-2016 and on that day, she lodged an ejarah against the respondent in respect of the torture inflicted on her as well as child. Thus since 04-08-2016, the Petitioner has been living separately. On 04-08-2016 the petitioner also filed a petition u/s- 125 Cr.P.C, seeking maintenance giving rise to Misc. Case No. 17/16, in the court of the Ld. SDJM(M), Gohpur. It is contended that there is no chance of their reconciliation as the respondent is alcoholic and drug addict. The petitioner has contended that she is in need of permanent alimony from respondent at an amount Rs. 12,50,000/- (Rupees Twelve Lakh Fifty Thousand) only.

Vide order dated 20-03-2021, the case proceeded exparte against the respondent as despite due service of the summons, he failed to appear and to contest the case.

In support of the contentions, made in her petition, the petitioner has filed her evidence on affidavit.

In her evidence on affidavit, the petitioner has reiterated her entire case stated in her petition seeking divorce. In absence of any cross-examination, her evidence supporting her version made in her petition remains unchallenged. Therefore, there is nothing on record to disbelieve the version of the petitioner. As such it is found that the respondent treated the petitioner and the child with cruelty, which is a sufficient ground for dissolution of marriage.

Having gone through the materials on record, I am satisfied that there is no chance of any re-conciliation between the parties and that their marriage is irretrievably broken down. Therefore the petition filed by the petitioner is allowed.

Accordingly the marriage solemnized between the parties on 23-06-2010 stands dissolved.

In her petition as well as in her evidence on affidavit, the petitioner has claimed Rs. 12,50,000/- ( Twelve Lakhs and Fifty Thousand) only, as permanent alimony. In this respect, the petitioner has filed affidavit of assets and liabilities of herself as well as of the respondent, wherefrom it is found that the respondent is only 4<sup>th</sup> standard passed and that he is working as a Sales Assistant in a Hardware Shop at Duimukh, Arunachal Pradesh and he earns Rs. 12,000/- per month. On the other hand the petitioner is H.S.L.C Passed and she works as Sales Assistant and earns Rs. 15,000/- per month. The Seven year old child is with the petitioner. Taking into consideration, all the aspects of the matter, the respondent is directed to pay an amount of Rs. 2 lakhs to the petitioner as permanent alimony. The respondent shall pay the amount in eight equal installments.

Copy of this order be furnished to the petitioner without cost.

The case is thus disposed of ex-parte with cost.

Prepare a decree accordingly.

Addl District Judge,FTC  
Biswanath Chariali