

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. 111 of 2021**

**Sri Jyotish Rabha**

**Vs**

**Smti Monalisha Rabha**

Serial No. of Orders	Date	Order	Signature
	<u>22-06-2022</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>Learned counsel for petitioners filed a petition No. 2417/2022 praying to amend the main petition in respect of the date of marriage of the petitioners which was wrongly inserted as 121/05/2012 instead of 12/05/2012 due to typographical mistake.</p> <p>Seen the petition and heard the learned counsel for petitioners. Considering the ground shown, prayer is allowed.</p> <p>In the petition, it is specifically pleaded that the marriage between the Petitioner No. 1 Sri Jyotish Rabha and Petitioner No. 2 Smti Monalisha Rabha was solemnized on <b>12-05-2012</b> (as amended vide petition No. 2417/2022) according to Hindu Rites and Customs and out of their wedlock they were blessed with one female child namely, Parishmita Rabha on 23-08-2013 aged about 8 years. Pleading reveals that after their marriage disputes started to grow because of incorrigible and irreconcilable temperament, attitude, different ideas, habits, tastes and thoughts of both sides. Since <b>2020</b> both parties living separately and accordingly, there is no marital</p>	

tie/relationship between the parties anymore. Despite mediations by close relatives and well wishers it has become impossible for the petitioners to live together as husband and wife anymore as their relation reached the point of no return.

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 2020 both the petitioners are living separately at their own residences. 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 stated that the child namely, Parishmita Rabha will reside under the care and custody of petitioner No. 1 Sri Jyotish Rabha till she attains majority and petitioner No. 2 Smti Monalisha Rabha will have the liberty to meet her daughter when she desires. It is also submitted that petitioner No. 2 has no claim from the petitioner No. 1 in the form of permanent alimony or monetary relief whatsoever.

Subsequently, 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 petitioners have voluntarily agreed to dissolve their marriage by mutual consent and there is no need to further waste time at the peril of the petitioners.

Accordingly, having been fully satisfied in all respect, the decree of divorce by mutual consent as sought by the parties is hereby granted.

		<p>However, the child namely, Parishmita Rabha will reside under the care and custody of petitioner No. 1 Sri Jyotish Rabha and petitioner No. 2 Smti Monalisha Rabha will have the liberty to meet her daughter whenever she desires at the convenience of both sides.</p> <p>Prepare the decree accordingly.</p> <p>The case is accordingly disposed off.</p>	<p><b>(C.B. Gogoi)</b> <b>District Judge</b> Sonitpur, Tezpur</p>
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