

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. 116 of 2021

Sri Santosh Das

Vs

Smti Deepshikha Das

| Serial No. of Orders | Date | Order | Signature |
|----------------------------|--------------------------|--|-----------|
| | <u>10-11-2022</u> | <p>This is an application u/s 13(B) of Hindu Marriage Act, 1955 praying for a decree of divorce on mutual consent.</p> <p>In the petition, it is specifically pleaded that Petitioner No. 1 Sri Santosh Das and Petitioner No. 2 Smti Deepshikha Das solemnized their marriage on 11-03-2008 according to Hindu Rites and Customs. After marriage both the petitioners started to live together as husband and wife at the residence of the petitioner No. 1. The marriage was duly consummated and out of their wedlock, they were blessed with a female child born on 12-08-2009 namely, Mistu Das and she is living with her father petitioner No. 1. Pleading reveals that after 12-13 years of marriage, both parties found that their temperaments and the way of life were different to each other and in spite of the best possible efforts there was such incompatibility of the temperaments of both the petitioners that their lives have become unbearable to each other leaving no scope for reconciliation. They have been living separately since 23-08-2020 and since then, there is no marital 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</p> | |

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 23-08-2020 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 also mutually agreed between the petitioners that petitioner No. 2 shall not claim any alimony from the petitioner No. 1 in the form of permanent alimony or monetary relief whatsoever. It is also agreed between the parties that their daughter namely, Mistu Das will reside under the care and custody of her father i.e. petitioner No. 1 Sri Santosh Das till she attains the age of majority.

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

When both parties are personally present in the court on being enquired by court, it is submitted that both have voluntarily agreed for mutual divorce without any coercion, undue influence, threat or pressure whatsoever from either side.

In the above backdrop, 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.

ORDER

Accordingly, having been fully satisfied in all respect, the decree of divorce by mutual consent as sought by the parties is hereby granted. The daughter namely, Mistu Das will reside under the care and custody of her father i.e. petitioner No. 1 Sri Santosh Das till she attains the age of majority and petitioner No. 2 Smti Deepshikha Das shall have the liberty to meet her daughter at the convenience of both parties.

Prepare the decree accordingly.

The case is accordingly disposed of.

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