

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. 168 of 2022**

**Sri Bharat Das**

**Vs**

**Smti Jahnabi Bania**

Serial No. of Orders	Date	Order	Signature
	<b><u>07-12-2022</u></b>	<p>C.R. is put up.</p> <p>This is an application u/s Section 28 of Special Marriage Act, 1955 for dissolution of marriage by decree of divorce by mutual consent.</p> <p>Petitioners through their learned counsel filed a petition No. 3054/2022 praying to waive the cooling off period of six months contending inter alia that both parties are living separately for more than one and half year.</p> <p>Having heard the learned lawyer and on perusal of the case record, it is seen that both parties are living separately since <b>20-12-2019</b> i.e. for about 3 (three) years. So, considering the period of separation, this court is of the considered view that there is no impediment in waiving the cooling off period of six months as provided in Section 13(B)(2) of Hindu Marriage Act. As such, the prayer of waiver of cooling off period of six months is allowed.</p> <p>Now, in the divorce petition, it is specifically pleaded that the marriage between the Petitioner No. 1 <b>Sri Bharat Das</b> and Petitioner No. 2 <b>Smti Jahnabi Bania</b> was registered on <b>02-03-2019</b> according to Special marriage act and to that effect Marriage Officer at Tezpur, Sonitpur issued a Marriage Certificate No. 201 dated 02-03-2019. However, they have no issue. Pleading reveals that after</p>	

their marriage disputes started to grow because of incorrigible and irreconcilable temperament, attitude, different ideas, habits, tastes and thoughts of both sides. Since **20-12-2019** both parties living separately and accordingly, 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 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 20-12-2019 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 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 separate evidence-on-affidavits stating the same fact as has been pleaded in the petition thereby corroborating their joint wish/desires.

To substantiate their contention, they also submitted Marriage Certificate No. 201 dated 02-03-2019 marked as **Ext. 1**.

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.

		<p>Accordingly, having been fully satisfied in all respect, the decree of divorce by mutual consent as sought by the parties is hereby granted.</p> <p>In the result, the Marriage Certificate No. 201 dated 02-03-2019, issued by Marriage Officer, Sonitpur, Assam stands cancelled as of having no effect from today.</p> <p>In view of the above, the Marriage Officer, Sonitpur, Tezpur is directed to cancel the Marriage Certificate No. 201 dated 02-03-2019 forthwith.</p> <p>Let a copy of this order be sent to Marriage Officer, Sonitpur, Tezpur.</p> <p>Prepare the decree accordingly.</p> <p>The case is accordingly disposed of.</p>	<p><b>(C.B. Gogoi)</b> <b>District Judge</b> Sonitpur,Tezpur</p>
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