

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. 61 of 2020

Smti Upasana Borthakur

Vs

Sri Angshuman Bezbarooh

Serial No. of Orders	Date	Order	Signature
	<u>01-09-2022</u>	<p>This is an application u/s 13(1) (i-a) of Hindu Marriage Act, 1955 for dissolution of marriage by decree of divorce on the ground of the cruelty.</p> <p>It is stated in the petition that marriage between the parties was consummated on 24-11-2017 in the presence of the family members, friends and well wishers according to Hindu Rituals and Customs and after the marriage the petitioner Smti Upasana Borthakur cohabit with the respondent at his residence. However, they have no issue. It is submitted that after on 19-03-2018 both parties registered their marriage at Jorhat Marriage Officer u/s 16 of the Special Marriage Act, 1954 and to that effect, a marriage Certificate No. 208 dated 19-03-2018 was issued by the Marriage Officer, Jorhat. It is submitted that few months after marriage the respondent started exhibiting some change in his behavior and conduct towards the petitioner. Respondent used to suddenly start threatening the petitioner and gradually the way of talking manner, temperament with the petitioner become indecent, inhuman unbecoming and insulting. In the month of August, 2018 the respondent brought the petitioner his rented house at Nagaon, Amallapatty and living thereon. In the rented house respondent without</p>	

	<p>any rhyme or reasons used to quarrel with the petitioner out of slightest pretext. On 15-09-2018 the respondent started quarreling with the petitioner and exhibited misconduct cruelty both mentally and physically without any rhyme or reason. Finding no way out, petitioner filed the instant divorce petition.</p> <p>However, when the case was at the stage of necessary order, a joint petition No. 2687/2022 along with deed of compromise have been filed stating inter alia that though initially petition was filed u/s 13(1)(i-a) of Hindu Marriage Act, 1955 but, today they seek to convert the said petition into a petition u/s 13(B) of Hindu Marriage Act, 1955 r/w Section 28 of Special Marriage Act, 1954 with a prayer to grant divorce by mutual consent on the terms & conditions set forth in the deed of compromise which are as follows:</p> <p>i) The respondent will pay a sum of ₹1,00,000/- (Rupees One lakh) to the petitioner within a period of 6 (six) months from today i.e. 01-09-2022.</p> <p>ii) The petitioner shall not claim any maintenance or permanent alimony or monetary relief whatsoever in future.</p> <p>iii) The respondent will return back all the "Stridhan" i.e. furniture & clothes etc. to the petitioner forthwith.</p> <p>iv) The petitioner will withdraw all other proceedings against the respondent and vice-versa.</p> <p>Having heard the learned lawyers appearing for both sides and having been fully satisfied from all respect that decree of divorce by mutual consent as sought by the parties is the only way out and when there is no force, coercion, threat or fraud by either side, the decree of divorce by mutual consent as sought by the parties is hereby granted.</p>	
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		<p>However, the grant of decree of divorce is subject to fulfilling the terms & conditions mentioned in the deed of compromise as mentioned above.</p> <p>Accordingly, the Marriage Certificate No. 208 dated 19-03-2018, issued by Marriage Officer, Jorhat, Assam stands cancelled as of having no effect from today.</p> <p>In view of the above, the Marriage Officer, Jorhat is directed to cancel the Marriage Certificate No. 208 dated 19-03-2018 forthwith.</p> <p>Let a copy of this order be sent to Marriage Officer, Jorhat, Assam for information and doing the needful.</p> <p>Prepare the decree accordingly.</p> <p>The divorce petition is disposed of.</p>	<p>(C.B. Gogoi) District Judge Sonitpur, Tezpur</p>
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