

**IN THE COURT OF THE DISTRICT JUDGE : SONITPUR
AT TEZPUR**

PRESENT : Smt. M.R. Sharma
Additional District Judge
Sonitpur, Tezpur

TITLE SUIT (DIVORCE) CASE NO. 62 OF 2011

Smt. Mamoni Ghosh
Wife of Sri Tuton Paul
Resident of Ward No. 3, Biswanath Cshariali
P.S - Biswanath Cshariali,
District – Sonitpur **Petitioner**

– **VERSUS** –
–

Sri Tuton Paul
Son of Sri Chitta Paul
Resident of village Panigaon
P.S. – Nagaon
P.S – Nagaon, District – Nagaon **Respondent**

ADVOCATES WHO APPEARED IN THIS CASE

For the Petitioner : Sri D.M. Das, Advocate

For the Respondent : Sri S. Das, Advocate

Date of argument : 28-09-2012

Date of Judgment : 28-09-2012

J U D G M E N T

This is a suit for decree of dissolution of marriage between the petitioner and the respondent filed under Section 13 (1) (1a) of the Hindu Marriage Act, 1955.

2. The facts of the case are that the marriage between the petitioner Smt. Mamoni Ghosh and the respondent Sri Tuton Paul was solemnized on 02-06-2010 as per Hindu rites and customs at Kalibari Mandir, situated at Thana Road, Sonitpur.

It is stated in the petition that after solemnization of marriage, they lived together as husband and wife in the residence of the respondent, situated at Panigaon under Nagaon District and their marriage was duly consummated. Thereafter, after few days of their marriage, the respondent started quarrelling with the petitioner in trifling matters and used to demand money and other materials as dowry from her parents.

The petitioner further averred in her petition that she was habitually assaulted by the respondent in a very cruel manner endangering her life and limb and caused mental torture by abusive words and languages. The respondent rebuked the petitioner for not bringing cash as dowry on her marriage in front of the other family members of the respondent and such attitude towards her was not only at home but also when they went to attend functions of other person's house and before the friends and relatives of the petitioner. Thereby the respondent lowered the prestige of the petitioner by insulting her.

Further case of the petitioner is that Gradually the respondent became more harsh and rude towards the petitioner and he refused to perform his marital obligation. Even also he did not allow the petitioner to sleep in the bedroom along with him and ultimately on 02-08-2010 the petitioner was driven out of the matrimonial home by assaulting her by her husband-respondent and since then she has been living separately from her husband, in her parental house.

It is also the case of the petitioner that the respondent did not visit the petitioner for a single time at the paternal home of the petitioner.

That the respondent's unbearable cruel treatment towards the petitioner makes the life of the petitioner absolutely miserable destroying all her mental peace and the petitioner, therefore, has been compelled to file this petition for divorce with a view to save her life in future.

Under the above facts and circumstances, the petitioner has prayed for a decree for dissolution of marriage between the petitioner and the respondent on the ground of cruelty.

3. Respondent Sri Tuton Paul contested the case by filing written statement mainly on the ground that the petition is not maintainable in its present; the petition is barred by limitation, acquiescence and under malafide intention.

It is also the case of the respondent that the marriage between the respondent and the petitioner has not been denied.

The answering respondent denied allegation that the respondent never treated the petitioner cruelly with mental

and physical torture. That in fact it is the petitioner who used to torture the respondent mentally by stating insulting words for his low income.

It is alleged by the respondent that he never demanded dowry from the petitioner's family nor had rebuked and tried to lower the prestige of the petitioner for not bringing cash.

The further case of the respondent is that if the petitioner thinks it is better to get separation by a decree of divorce for the mental peace, health, welfare and future life of both the parties and also on the ground of desertion of more than a year, he has no objection to the dissolution of their marriage as sought by the petitioner without having any condition.

Under the above facts and circumstances, the respondent has prayed before this Court to pass a decree of dissolution marriage by dismissing the prayer of the written statement.

4. I have heard argument advanced by the learned counsel Sri D.M. Das, appearing for the petitioner and, Sri S. Das, appearing for the respondent. I have also gone through the record of the case. Also, I have heard the parties personally and they have agreed to the divorce.

5. On going through the record of Title Suit, though the respondent contested the case by filing the written statement, it appears that the respondent admitted the prayer of the petitioner and has prayed to dissolve the marriage between the respondent and petitioner by a decree of divorce without any condition. The respondent has not taken any

initiative to contest the case further. Hence, I find that there is no necessity to go into the merits of the case.

6. This suit is decreed on contest for dissolution of marriage solemnized between the petitioner Smt. Mamoni Ghosh and the respondent Sri Tuton Paul, on 02-06-2010, in accordance with the Hindu Marriage Act, with effect from the date of decree.

Prepare a decree accordingly.

This Title Suit is disposed of accordingly.

(M.R. SHARMA)
ADDITIONAL DISTRICT JUDGE
SONITPUR : TEZPUR

Dictated and corrected by me
and every page bears my signature.

(M.R. SHARMA)
ADDITIONAL DISTRICT JUDGE
SONITPUR : TEZPUR

Transcribed and Typed on dictation by me

(I. Goswami)
Stenographer