

Assam Schedule VII, Form No. 143
High Court Criminal Form No. (M) 106

High Court Form No. (J) 13.
Form of Order sheet.

DISTRICT : SONITPUR
COURT OF **DISTRICT JUDGE, SONITPUR AT TEZPUR**

TS(M) Case No. 148 of 2022

**Sri Biswajit Basumatary, petitioner No.1 and Smti Indira
Basumatary, petitioner No.2**

Sl. No. of Order	Date	<u>order</u>	Signature
	<u>03-11-22</u>	<p>Seen the petition No. 2736/2022 filed by petitioner No.1 Sri Biswajit Basumatary and petitioner No.2 Smti Indira Basumatary, seeking dissolution of marriage by a decree of divorce on mutual consent u/s 13(B) of the Hindu Marriage Act, 1955.</p> <p>Today, vide Petition No. 2917/22 they have prayed for waiving the cooling off period in granting divorce to the petitioners.</p> <p>Heard the learned counsel.</p> <p>It is pleaded that the petitioner No.1 shifted to Arunachal Pradesh for his business purpose and petitioner No. 2 shifted to Guwahati in search of her job and they agreed to live separately. Since last five years, they have been living separately and there is no chance of reconciliation. Hence, prayed to waive the cooling off period of six months. It is also contended that now both the petitioners have mutually agreed to file the present proceeding for dissolving the marriage on mutual consent.</p>	

Having considered the submissions and facts of the case, the cooling period of six months is waived.

As averred in the petition, the marriage between petitioner No.1 Sri Biswajit Basumatary and petitioner No.2 Smti Indira Basumatary solemnized on 15-10-2015 as per Hindu rites and rituals and they started living together as husband and wife. Out of their wed lock a female child was born, namely Gloriya Basumatary, aged about 5½ years, who will live with her mother i.e. petitioner No.2. Since their marriage does not last long because of certain differences between them and gradually their relation reached the stage of no return and the conjugal life become unbearable for them. Subsequently, they are living separately at their own house since 02-12-2017 and there is no marital relationship between them. Consequently, both decided to move the present application seeking decree of divorce by mutual consent. It is stated that now both have been living separately.

The above stated facts have also been reiterated in their evidence-on-affidavit as well. It is also submitted that petitioner No. 2 has no demand for any permanent alimony and she will not claim any movable/immovable property from the petitioner No.1 in future as maintenance. It is also stated that the girl child shall remain in the custody of petitioner No.2 Smti Indira Basumatary and petitioner No.2 shall have the visiting rights over the child and he is at liberty to provide expenses of upbringing of his daughter if he so desires.

Having taken into consideration the fact that the marriage between the parties reached the point of no return and it will amount to cruelty to both sides if they are

		<p>allowed to continue their marital life anymore. Since both have mutually agreed to live separately, the decree of divorce by mutual consent as sought by the parties is hereby allowed.</p> <p>Accordingly, the marriage performed on 15-10-2015 between the parties is hereby dissolved by a decree of divorce with mutual consent.</p> <p>The TS (M) Case No. 148 of 2022 is accordingly disposed off.</p> <p>Let prepare a decree of divorce by mutual consent.</p>	<p>(C.B.Gogoi) District Judge, Sonitpur:Tezpur.</p>
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