



IN THE COURT OF DISTRICT JUDGE, SIVASAGAR, ASSAM



Present: Smti. M.C. Bordoloi,
District Judge, Sivasagar

TITLE SUIT (M) NO.93/2023

Sri Monuj Saikia,
S/O – Sri Priya Saikia,
R/O – Haud Gaon,
P.S. – Amguri,
Dist-Sivasagar, Assam

...Petitioner No.1

-&-

Smti. Ritamoni Borah,
W/O – Sri Monuj Saikia,
D/O – Late Bhuban Borah,
R/O – Borbil Gaon, Ward No. 5
P.O. – Amguri, P.S. – Amguri,
Dist. – Sivasagar, Assam


27/8/2024
District Judge
Sivasagar

...Petitioner No.2

Appearances:

Mrs. Rinkumoni Kalita, Mrs. Pinkymoni Dutta,

---Learned Counsels for both petitioners.



Date of hearing : 03.08.2024

Date of judgment : 27.08.2024

JUDGMENT

1. The present case is registered on a petition bearing No.988/2023 filed by the petitioners, praying for a decree of divorce under section 13-B of the Hindu Marriage Act, 1955 (the Act, hereinafter).

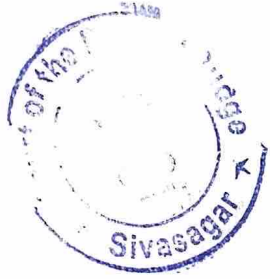
2. Consequent to the receipt of the petition filed under Section 13-B of the Hindu Marriage Act, 1955, appearance of the parties were directed by this court and upon examination of the parties and exploring the possibility of reunion, the scope of reunion was found absent and accordingly case was fixed for hearing.

3. Heard the Learned Counsel for both petitioners.

4. The facts of the case in brief is as follows:

The petitioners, who married on 24/04/2012 according to Hindu customs, lived together at Petitioner No. 1's residence from 2012 to 2018. However, they began to notice irreconcilable differences in their temperaments, likes, dislikes, and opinions after two years of marriage, leading to a breakdown in their relationship. Over the next six years, their conflicting natures and habits made it impossible for them to continue living


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together as husband and wife. Despite the efforts of friends, relatives, and well-wishers the petitioners failed to resolve their differences. The petitioners have no children in their marriage. Therefore considering their irreconcilable differences, they agreed to dissolve their marriage permanently without making any claims against each other regarding maintenance or immovable property. Both petitioners also believe that their divorce is necessary in their best interest. Accordingly, petitioners have filed the instant application for divorce by mutual consent under Section 13B of the Hindu Marriage Act.

5. Heard both sides. Perused the case record.
6. The point for determination that has arisen in the instant case is as follows:

a) Whether the petitioners are entitled to a decree of divorce on mutual consent as prayed for?

DISCUSSION, DECISION AND REASONS THEREFOR:

7. Evidence on record reveals that the petitioners were married on 24.04.2012 and they cohabited together as husband and wife until 2018 and thereafter, they started living separately due to irreconcilable differences in temperament, habits, and incompatibility. The evidence also discloses that multiple attempts at reconciliation by family and mutual friends went in vain. Record discloses that the one-year separation period required under Section 13-B (1) of the Hindu Marriage Act, 1955, when reckoned from 2018, has already elapsed. The evidence further discloses that both petitioners have independently settled their claims against each other.

(Signature)
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8. In view of the settlement between the parties, considering that there is no chance of reunion between them, and noting that the parties have been living separately since 2018 with no chance of reconciliation, I am of the considered opinion that a decree of divorce by mutual consent can be allowed.

9. The point for determination stands answered accordingly.

ORDER

10. Accordingly, the marriage solemnized between Petitioner No.1, Sri Monuj Saikia, and Petitioner No.2, Smti. Ritamoni Borah, on 24.04.2012, stands dissolved by mutual consent w.e.f today, without any further condition. The petition no.988/2023 dated 11.08.2023 shall form part of this decree.

11. Prepare a decree accordingly within fifteen days from today.

12. Given under my hand & Seal of this Court on this the, 27th day of August, 2024 at Sivasagar.

Bardoloi
27/8/2024
District Judge
Sivasagar

Bardoloi
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Sivasagar

Dictated and corrected by me

Bardoloi
District Judge, 27/8/2024
Sivasagar

ANNEXURE

1. Witness for the petitioners - (i) Sri Monuj Saikia
(ii) Smti. Ritamoni Borah
2. Exhibits for the petitioners - Nil

Dictated and corrected by me

Bordoloi
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