

**IN THE COURT OF ADDL. DISTRICT JUDGE (FTC),
DIBRUGARH**

Present : Shri S.K. Kabra
Addl. District Judge (FTC)
Dibrugarh.

T.S. (D) Case No.90 of 2018

In the matter of:

Smt. Krishnakhi Kumari Das
W/o Sri Deep Moni Das,
D/o Sri Amiyo Kumar Das
Resident of Bishnu Nagar
P.O., P.S. & Dist. – Dibrugarh, Assam ...Petitioner

Versus

Sri Deep Moni Das
S/o Haren Das
Resident of Kadamoni, Bhola Nath Path
P.O., P.S. & Dist. - Dibrugarh,
Assam ...Respondent

Advocate for the petitioner : Sri Wahidur Rahman
Advocate for the respondent : Smt. Anima Phukan
Date of hearing : 25.11.2021
Date of Judgment : 06.12.2021

ORDER

1. Initially, the petitioner Smt. Krishnakhi Kumari Das had filed petition u/s 27(1)(d) of The Special Marriage Act, 1954, seeking dissolution of her marriage with her husband Sri Deep Moni Das. Subsequently, on 06.10.2021 both the parties, Smt. Krishnakhi Kumari Das and Sri Deep Moni Das, filed a joint petition bearing no. 46/2021, along with


Addl. District Judge (F.T.C.)
Dibrugarh

supporting affidavit, praying for dissolution of their marriage by a decree of divorce by mutual consent.

2. Considering the facts and circumstances of the case, vide order dated 06.10.2021 the original petition u/s 27(1)(d) of The Special Marriage Act, 1954, was converted to a petition u/s 28 of The Special Marriage Act, 1954, and matter was posted for 25.11.2021 for appearance of the parties so as to explore possibility of reconciliation between them.
3. However, on 25.11.2021 both the parties, Smt. Krishnakhi Das and Sri Deep Moni Das, appeared in person along with their advocates and filed a joint petition bearing no. 105/2021 praying that the statutory period for dissolution of marriage, i.e. cooling off period, may be waived off and a decree of mutual divorce may be granted in their favour. Along with said petition, parties have also filed their respective Statement on Oath. In the said petition and statement on oath, it is stated that parties are living separately since 31.07.2018. It is also stated parties have genuinely settled their differences including maintenance, guardianship and all allied matters. It is further stated that reconciliation between the parties have not been successful despite after best efforts.

This Court interacted with the parties; however found that there is no possibility of reunion between the parties. Considering the entire facts and circumstances, vide order dated 25.11.2021 the petition bearing no. 105/2021 was allowed and mandatory cooling off period of 6(six) months was waived off and matter was fixed today for orders.

4. I have heard the parties and the learned counsels. I have also perused the record.

5. The case in brief is that on 10.04.2012 the marriage between the parties, Smt. Krishnakhi Kumari Das and Sri Deep Moni Das, was solemnized before the District Marriage Registrar, Dibrugarh, Assam under The Special Marriage Act, 1954. The Certificate of Marriage dated 10.04.2012 sealed and signed by the Marriage Officer, Dibrugarh, is on record. On 24.03.2016 one female child, whose name is Miss Kiara Deepmoni Das, was born out of the wedlock of the parties. However, due to the temperamental differences between the parties they could not live together and differences cropped up between them. The differences has reached to such an extent that there is no room left for reunion of both the parties. The parties have been living separately since 31.07.2018. Attempts of reconciliation between the parties by friends and relatives have failed. Under these circumstances, parties have filed the instant petition U/S 28 of The Special Marriage Act, 1954, for dissolution of marriage on mutual consent. It is stated by the parties that they have settled all their claims/disputes and terms of settlement are contained in said joint petition bearing no. 46/2021.
6. As per terms of settlement between the parties, the petitioner shall withdraw all the pending cases filed by her against the respondent. It is also agreed that the daughter Miss Kiara Deepmoni Das will be residing with respondent and the respondent will allow the petitioner to meet her daughter as and when she desires to do so. It is also agreed that petitioner can bring the daughter from the custody of the respondent in order to stay with her for only one/two days in every 3(three) months. It is further agreed that the respondent will not disturb the petitioner in any manner and parties will not interfere in the life of each other.

It is stated in the petition bearing no. 105/2011 that parties have genuinely settled their differences including maintenance, guardianship and all allied matters.

7. After perusing the Certificate of Marriage, the petition and supporting affidavits, I am satisfied that the marriage between parties was solemnized on 10.04.2012.

The consent given by the parties for mutual divorce appears to be voluntary and does not appear to be induced by any force, fraud or undue influence from any quarter.

8. Considering the materials on record and upon hearing the parties, it is apparent that there is no chance of reunion and as such it is desirable to dissolve the marriage by decree of divorce U/S 28 of The Special Marriage Act, 1954. Accordingly, the prayer for divorce by mutual consent is allowed. The marriage between the parties Smt. Krishnaksi Kumari Das and Sri Deep Moni Das stands dissolved on mutual consent. Parties to bear their own cost.
9. Prepare a decree accordingly within 15(Fifteen) days from today.
10. Free copy of this order be given to both the parties.

The suit is disposed of accordingly.

Given under my hand and seal of this Court on this 06th of December, 2021, at Dibrugarh.


S. K. Kabra
Addl. District Judge (FTC)
Dibrugarh

15/12/24

Decree in preparation, signed, sealed and kept lagged under the case record.

Addl. District Judge (F.T.C.)
Dibrugarh