

ORDER SHEET

T.S (D) CASE NO. 08/16

Sl. No	Date of order or proceeding	Order or other proceeding	Signature of court	Office action taken or order with date and dated signature of pleader or parties when necessary
	01-9-17	<p>Smti Sarathi Bala Barman filed an application u/s 13 of the Hindu Marriage Act 1955, for dissolution of marriage between her and respondent Tapan Barman by a decree of divorce. Title suit (divorce) case has been registered and notice issued to the respondent.</p> <p>In this case summon was issued to respondent but process server did not found respondent at his house and submits that as respondent is a driver he comes home after 10/12 days and leave home early morning but nobody stood as witness. Therefore, my learned predecessor passed order of service of notice to respondent through paper publication in local daily newspaper and after two month of paper publication of notice to respondent, respondent did not appeared before the court and therefore my learned predecessor passed order of exparty against the respondent.</p> <p>Petitioner's case is that her marriage with respondent solemnized on 30-07-2007 according to Hindu Rites and Ceremony at MAA MAHAMAYA MANDIR. Thereafter, she and respondent living together as husband and wife at plaintiff's parent's house and after passing few days plaintiff came to know that respondent is drug addicted person. Respondent always tried to quarrel with her under influence of drug and used to torture her both physically and mentally in demand of Rs. 50,000/-. Petitioner submitted that she silently tolerated such kind of activities for the sake of their conjugal life. After passing of seven months from the date of marriage respondent left alone her at her paternal house and fled</p>		

		<p>away. Petitioner submitted that on 2008 she lodged an ejarah against the defendant u/s 498(A) IPC and also filed a petition u/s 125 Cr.P.C before the Ld. SDJM(M), Bilasipara court and accordingly a decree was passed in favour of her by Ld SDJM(M), Bilasipara awarding monthly maintenance allowance of Rs. 1000/- only on 14-12-09 but said defendant defaulted and defendant is absconding till date. Petitioner submitted that from the year 2008 petitioner have been living separately and marital relation between them irretrievably break down and therefore, petitioner filed the petition with a prayer to dissolve her marriage with respondent by a decree of divorce u/s 13 of the Hindu Marriage Act 1955.</p> <p>Petitioner submitted her in-chief in affidavit wherein she supported her pleading taken by her in plaint.</p> <p>From the petition and statement of the petitioner made in her affidavit it has been revealed that, at present, petitioner and respondent not living together under same roof and petitioner is now living in her parental home. She alleged physical and mentally torture on her by her husband in demand of money and this is a cruelty on her. Her evidence and petition pointed her husband is drug addicted person and after consuming drug he always quarrel with plaintiff and beaten her. Thus, I find that the trauma face by the petitioner due to misbehavior of respondent under the influence of drug, physical and mental torture in demand of money by respondent and respondent caused both physical and mental pain on her and this is the reason of breakdown of their marriage and same is come within the purview of sec 13 (1)(i-a) of Hindu Marriage Act. As the marriage between petitioner and respondent completely break down and there is no scope for re-union and since 2008 respondent fled</p>		
--	--	---	--	--

away leaving Petitioner at her parental house and both husband and wife living separately since 2008, I am of the considered opinion that when marriage between the parties irretrievably breakdown, and there is no scope for reconciliation the marriage between petitioner and respondent is required to be dissolved by a decree of divorce for future of the parties. Accordingly marriage between petitioner Smti Sarathi Bala Barman and respondent Tapan Barman is dissolved by decree of divorce.

Petitioner is a poor unemployed lady and respondent deserted her at her parents' house after subjecting torture on her. Considering the future of the petitioner I direct respondent to pay an amount of ₹ 3,00000/- (Rs three lakhs) to the Petitioner as permanent alimony.

Prepare decree accordingly

Case is disposed of.