

J U D G E M E N T (E X - P A R T E)

DATE:- 29/11/2014

This suit has been instituted upon a petition under section 13(1)(ia) of the Hindu Marriage Act 1955 filed by the petitioner seeking decree dissolution of Marriage between the petitioner and the respondent.

1. petitioner case:-

petitioners case in brief fact in that 28.12.2009 Marriage between the petitioner and the respondent was solemnized at Dinhata local Temple as per Hindu rites and customs. After the Marriage the petitioner and the respondent lived together as Husband and Wife at the residence of the respondent on Dinhata. After few months of the Marriage the respondent and member of his family started to behave with the petitioner ruthlessly. At the time of Marriage the respondent was fully unemployed and was dependent upon as families incomes. Day by day the respondent and members of his family increase the level of torture charged upon the petitioner both physically and mentally to bring dowry from the petitioner parental House. Finding no alternative the petitioner convince her Husband to shifted in a rental House accordingly though shifted to a rental House. But after few months the respondent gave started to torture charged the petitioner both physically and mentally. As a result the petitioner returned back to her parental House at Bongaigaon on 5.6.2011 that since then she is living there. Hence this suit.

2. Notice was issued to the respondent by registered post which she doubtfully received by sending the A-D card. But he did not appear before the court as such the case proceeded EX-PARTE against him by order dated 30.9.2013.

3. The petitioner has adduced evidence and examine two witnesses including herself by submitting evidence on affidavit.

4. PW 1 Babita Saha is the petitioner and PW 2 Basanti Sarkar is the neighbour of the petitioner. The petitioner in her evidence has retreated the fact as stated in the petitioners. PW 2 has also corroborated the statement of the PW 1.

5. considering the evidence and materials on records i am of the evidence there is a prima facie case in favour of the petitioner to allow her petitioner. Accordingly her petitioner under section (13)(1)(ia) is allowed.

Marriage between the petitioners and the respondent is resolved.

Suit is decreed. “Decree by drawn up accordingly”.

The judgment is given on this **29th day of November 2014** under my hand and seal of this court.