

**IN THE COURT OF SHRI VANLALMAWIA, ADDL. DISTRICT JUDGE-I
AIZAWL JUDICIAL DISTRICT, AIZAWL: MIZORAM**

Matrimonial Suit No.11/2011

Pradip Kumar Sharma : PETITIONER
S/o Shri Puran Chand Sharma

Versus

Deepika Sharma : RESPONDENT
D/o Shri K. L. Juneja

Date of Order : 27.02.2017

ORDER

Petitioner is present through Counsel Mr. W. Sam Joseph. Respondent is absent and neither represented by her Counsel. Today is fixed for appearance of the Respondent and for hearing.

The Counsel for the Petitioner submitted that the instant Matrimonial Suit was filed in 2011 and the Examination-in-Chief of the Petitioner was submitted on 14.2.2013 and the copy which was also furnished to the Counsel for the Respondent. In the meantime, the Respondent moved to the Supreme Court to transfer this suit out of Aizawl. However, the Supreme Court disposed of the transfer petition and this case was regularized on 22.6.2015. Thereafter, summons were duly served upon the Respondent but failed to appear and defend the suit. On 24.4.2016 Vakalatnama duly

executed by one Soumyajit Nath was submitted on behalf of the respondent. Thereafter, this Court fixed court dates for appearance on 28.6.2016, 25.7.2016, 29.8.2016, 29.9.2016, 08.12.2016, 23.01.2017 and 27.02.2017. Neither the Respondent nor her Counsel appeared on the above mentioned court dates. Counsel for the Petitioner further submits that as the Respondent or her counsel failed to appear before this court on several court dates fixed, the Counsel for the Petitioner has often made prayer before this court to proceed with the suit ex-parte and this Court has also passed different orders informing the Respondent that if she fails to appear before the Court in person or through pleader, this suit will be heard ex-parte. The Counsel for the Petitioner also submits that the action and conduct of the Respondent suggests that she has no interest to defend her case as she continuously failed to appear in person or through pleader before this Court and vehemently prayed this Court that in view of the fact that the suit has been pending for almost six years and that the Respondent has been given umpteen chances to appear and defend her case, the instant suit be heard ex-parte and disposed of.

I have heard the counsel for the Petitioner at length and on careful perusal of the materials on record and the order sheets, I find merit in the submissions of the Ld. Counsel for the Petitioner.

From the evidence adduced by the Petitioner, I find that the respondent acted in a cruel manner against the Petitioner for instance she had falsely submitted complaints to different authorities against the Petitioner which were all decided against her and in favour of the Petitioner. I also do not find any reason whatsoever to reject that prayer made by the Petitioner and I am convinced that the Respondent has, after the solemnization of her marriage with the Respondent treated the Respondent with cruelty, and it is a fit ground for granting divorce.

ORDER

In result, the petition filed by the Petitioner Shri Pradeep Kumar Sharma is allowed without cost. A decree of divorce is passed by dissolving the marriage between the Petitioner Shri Pradeep Kumar Sharma and the Respondent Smt. Deepika Sharma.

The custody of the children namely, Pushkar Sharma and Chiya Sharma is also given to the Petitioner Shri Pradeep Kumar Sharma.

Prepare a decree accordingly.

Give copy of this judgement/order to all concerned.

Sd/-VANLALMAWIA

Addl. District Judge-I,
Aizawl Judicial District
Aizawl: Mizoram

Memo No. 56 ADJ-I (A)/2017 : Dated Aizawl the, 28th February, 2017.

Copy to:-

1. Pradeep Kumar Sharma S/o Puran Chand Shjarma C/o W.Sam Joseph Advocate.
2. Deepika Sharma D/o Shri K.L.Juneija, WZ-25, Mangli Jalib Jamak Puri, New Delhi- 110058.
3. Soumyajit Nath, Advocate, S.JALAN & COMPANY 10, OLD Post Office Street, Right Wing, Room No 90 & 91 Kolkata-700001.
4. Case record.
5. Judicial Section.
6. Guard File.

PESHKAR