

IN THE COURT OF CIVIL JUDGE SHRI.LALRAMSANGA,
AIZAWL,MIZORAM

Divorce Suit No. 1394 of 2013

Shri. Lalhuzauva
Ex.Ser No.4361473M
Rank: Hav; 16th Assam Regiment
S/o T.Lalthara
R/o Saitual, Dist: Aizawl Mizoram.Petitioner

-Versus-

Smt.Zohmangaihi
D/o K.Siamliana
R/o Saitual, Dist: Aizawl Mizoram.Opposite Party

PRESENT

Shri.Lalramsanga Civil Judge

For the petitioner: R.Lalhmingmawia Advocate
For the respondent: K.Kawlkhuma Advocate.
Date of Judgment: 15.11.2013

JUDGMENT AND ORDER

This Divorce Suit is filed by Shri. Lalhuzauva, Ex.Ser No.4361473 M, Rank: Hav; 16th Assam Regiment, S/o T.Lalthara, R/o Saitual, Dist: Aizawl Mizoram, against his wife Smt.Zohmangaihi D/o K.Siamliana R/o Saitual, Dist: Aizawl Mizoram.

The petitioner is represented by his counsel Shri. R.Lalhmingmawia Advocate whereas the opposite party is represented by her counsel Shri.K.Kawlkhuma Advocate.

The case was admitted and registered as Divorce Suit No.3 of 2011.

The facts of the case in brief is that the petitioner had got married to the defendant on 30.12.1998 as per the Mizo customary law and practice and which is a recognized custom as per the constitution of India till date and on **30.12.1998** the Commanding Officer, Salvation Army issued them Marriage Certificate. However, due to unavoidable circumstances on 27.7.2013 they were divorced each other by way of 'Mak' in accordance with the Mizo customary law and practice and which is a recognized custom as per the constitution of India. This shows that the petitioner and the opposite party are already divorced and they have no relationship as husband and wife

That on 6th day of November 2013 the ld counsel for the opposite party submitted written objection by stating that the present petitioner divorced the opposite party by way of "Mak" without sufficient reason. And further submitted that the opposite party never want to divorce the petitioner till date.

On 6th day of November 2013, both counsels appeared in the court and agreed that framing of issues are not required and taking evidence may also be not necessary as the petitioner Shri. Lalhuzauva, Ex.Ser No. 4361473 MRank: Hav; 16th Assam Regiment R/o Saitual, Dist: Aizawl Mizoram, had already divorced the opposite party Smt.Zohmangaihi D/o K.Siamliana R/o Saitual, Dist: Aizawl Mizoram by way of 'Mak' in accordance with the Mizo customary law and practice on 27.7.2013. As such, issues are not framed and no evidence were recorded. So, it was found in Section 58 of The Indian Evidence Act,1872 that, " Facts admitted need not be proved". As such, whether the petitioner divorced the defendant by way of "Mak" or not ? was a fact which need not be proved. Hence, evidences from both sides are not taken as agreed by both parties.

After having a lengthy submissions from both sides and after careful perusal of documents available on records I found that Shri. Lalhuzauva, Ex.Ser No. 4361473 MRank: Hav; 16th Assam Regiment, R/o Saitual, Dist: Aizawl Mizoram had already divorced the opposite party Smt.Zohmangaihi D/o K.Siamliana R/o Saitual, Dist: Aizawl Mizoram by way of 'Mak' in accordance with the Mizo customary law and practice on 27.7.2013. It is found that both the parties have been living separately with effect from 27.7.2013 since divorced till today.

Under the facts and circumstances it is declared that the dissolution of marriage between Shri. Lalhuzauva, Ex.Ser No. 4361473 M Rank: Hav; 16th Assam Regiment R/o Saitual, Dist: Aizawl Mizoram and Smt.Zohmangaihi D/o K.Siamliana R/o Saitual, Dist: Aizawl Mizoram is legally absolute with effect from date of this order and accordingly it is.

So, I am of the view that it is fit and proper to issue divorce certificate I favour of Shri. Lalhuzauva, Ex.Ser No. 4361473 M Rank: Hav; 16th Assam Regiment R/o Saitual, Dist: Aizawl Mizoram against Smt.Zohmangaihi D/o K.Siamliana R/o Saitual, Dist: Aizawl Mizoram .

Prayer is allowed.

Issue Divorce Certificate.

DECREE OF DIVORCE

The Court, having heard on the verified Petition for Dissolution of Marriage, filed in this cause on 4th September, 2013 and now being duly advised in the premises; FINDS:

- (1) That residency requirements of Mizo Customary Laws have been proven;
- (2) That a Summons, with a copy of the verified Petition attached, has been served upon all interested parties and hearing of all concerned as appeared themselves;
- (3) That no issues on children were arisen;
- (4) That the parties have agreed to the disposition of any and all property acquired during or as a result of the marriage;
- (5) That the allegations of the verified Petition are true and that the existing marital relationship between the parties is irretrievably broken and should be dissolved by way of as '*Mak*' according to Mizo Customary Laws.

IT IS THEREFORE ORDERED, by the Court, that the marriage of Shri. Lalhuzauva, Ex.Ser No. 4361473 M, Rank: Hav; 16th Assam Regiment R/o Saitual, Dist: Aizawl Mizoram and Smt. Zohmangaihi D/o K.Siamliana R/o Saitual, Dist: Aizawl Mizoram is hereby dissolved with effect from 27.7.2013 in terms of '*Mak*' according to Mizo Customary Laws.

SO ORDERED this 15th day of November, 2013

With this the suit stands disposed of.

Given under my hand and seal of this court on this 15th day of November, 2013.

Sd/- LALRAMSANGA
Civil Judge
Aizawl, Mizoram

Memo No.....: Dated Aizawl the 15th November, 2013.
Copy to :-

- 1) Shri. Lalhuzauva, Ex.Ser No. 4361473 M Rank: Hav; 16th Assam Regiment R/o Saitual, Dist: Aizawl Mizoram
- 2) Smt.Zohmangaihi D/o K.Siamliana R/o Saitual, Dist: Aizawl Mizoram
- 3) Registry Section.
- 4) Case record.

PESHKAR