

IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE  
KURSEONG, DARJEELING.

Present: **Shri Hemanta Sinha.**  
Additional District Judge,  
Kurseong.

**Mat Suit No. 39 of 2025**

Smt Gashu Lama.....Petitioner No.1

Vs

Shri Paywong Tamang.....Petitioner No.2

**(An Application for under Sec. 13B of Hindu Marriage Act 1955).**

Order No. 04

Dt.27.04.2026

Today is fixed for Reconciliation and hearing .

Both the parties are present alongwith their respective Ld.lawyers.

Hd. Both sides.

As per submission of both the parties the instant suit is taken up for hearing.

Both the parties filed their respective affidavit-in-chief and they are further examined on oath as P.W.1 & 2 and discharged.

Hd. Ld lawyers of both the parties, who submit that both the parties fulfilled all the requirements of divorce on mutual consent under the provision of Sec.13B of the H.M. Act,1955 and accordingly they prayed for decree of divorce.

Perused the entire materials of the CR. Considered.

It reveals from the Case Record that both the parties preferred the instant suit U/Sec.13B of the H.M. Act praying for a decree of Divorce on mutual consent.

The relevant facts of the instant suit, as emerges from the plaint, is that the marriage between the parties was solemnized on 28.02.2022 according to Hindu Rites and ceremonies at the house of the petitioner No.1 and they lived together at the house of petitioner No.2 as husband and wife and marriage was consummated and that out of their said wedlock no issue was born and due to irreconcilable differences and incompatibility, the petitioners have not been able to live together as husband and wife and have been living separately since 28.03.2023 and there is no cohabitation between the petitioners since then and that petitioners have consented by mutually agreed that the marriage should be dissolved for the better interest of both of them to avoid mental agony miseries of conjugal life which they have been facing for long time and also to start a fresh respective life quit independently and that petitioner No.1 and her husband do hereby jointly as well as severally declare that they relinquishes their respective claims upon each other and that there is no collusion between petitioner no.1 & petitioner NO.2 for presentation of this petition and the petition has been made bonafide and the aforesaid mutual consent has not been obtained by force fraud and undue influence whatsoever.

Contd/Order.....

2.

After having meticulously examined the evidence of both the parties as inquired by this Court on the date of hearing, I am of the view that both the parties have voluntarily preferred the instant suit and there is no dispute between them.

Having regard to the above facts, evidence and circumstances I am of the view that there is no legal impediment in allowing their prayer for a decree of divorce on mutual consent U/S 13B of the H.M. Act, 1955.

In the result, the instant suit succeeds.

Court fee paid is correct.

Hence, it is

**ORDERED**

that the instant Mat.Suit 39/2025 be and the same is decreed on mutual consent between the petitioner No.1/wife Smt. Gashu Lama & petitioner No.2/ husband Shri Paywong Tamang and the marriage tie between the parties solemnized on 18.02.2022 is hereby dissolved by a decree of divorce from date of this order. The parties to bear their own cost.

The present case accordingly stands disposed of.

D/C by me

Shri Hemanta Sinha.  
Additional District Judge  
Kurseong.

