

GAHC010011192013



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.Rev.P./385/2013

LUKNATH BARUAH
S/O LT. MAHENDRA BARUAH R/O PANIGAON, P.S. PANIGAON, MOUZA-
TELEHI, DIST. LAKHIMPUR, ASSAM.

VERSUS

SMT. BULBULI BARUAH
W/O SRI LUKNATH BARUAH R/O SAKRAHI VILLAGE, P.O. DIKRANG, P.S.
NARAYANPUR, MOUZA- NARAYANPUR, DIST. LAKHIMPUR, ASSAM.

Advocate for the Petitioner : MS.P BHATTACHARYA, MR.T J MAHANTA,MR.B BORA

Advocate for the Respondent : MRS.R GOGOI, ,

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 24.09.2025

Heard Mr. T. Gogoi, learned counsel for the petitioner. Also heard Ms. R. Gogoi, learned counsel, appearing for the respondent.

2. Mr. T. Gogoi, learned counsel for the petitioner, at the outset has submitted that during the pendency of the present proceedings, the respondent, herein, had instituted Title Suit(Divorce).No.21/2013, before the Court of the learned District Judge, Lakhimpur, North Lakhimpur, for dissolution of the marriage between the petitioner, herein, and the respondent by a decree of divorce. The learned Trial Court vide Judgment dated 20.11.2015, was pleased to allow the said T.S.(Divorce).No.21/2013, by granting the decree of divorce on mutual consent on dissolution of the marriage between the petitioner and the respondent, herein. The said decree of divorce was so passed on the condition that the petitioner, herein, will pay an amount of Rs.1,20,000/-(Rupees One Lakh Twenty Thousand) only as permanent alimony to the petitioner within 2(two) months from the date of the Judgment failing of which interest at the rate of 7.5% per annum shall accrue on the said amount.

3. Mr. T. Gogoi has placed on record the copy of the Judgment dated 20.11.2015, passed by the learned District Judge, Lakhimpur, North Lakhimpur, in Title Suit(Divorce) .No.21/2013.

4. A perusal of the same, it is found that in paragraph 9 therein,

that the respondent, herein, had undertaken, in the said proceedings, not to claim the maintenance allowance of Rs.2000/-(Rupees Two Thousand) as directed to be paid to her by the Sub-Divisional Judicial Magistrate(S), North Lakhimpur, Lakhimpur, in Misc. Case No.133/2012, which is under challenge in the present proceedings by the petitioner, herein.

5. The said undertaking as recorded in paragraph 9 of the Judgment dated 20.12.2015, passed by the learned District Judge, Lakhimpur, North Lakhimpur, in Title Suit(Divorce) .No.21/2013, being relevant, is extracted hereinbelow ;

“It appears from the record that both the parties had filed a Joint Petition bearing No.896/2015 dtd. 17.10.2015 stating that they had mutually agreed to dissolve their marriage tie on conditions that the respondent will pay an amount of Rs.1,20,000/- (Rupees One Lakh Twenty Thousand) only as permanent alimony to the petitioner; that, the petitioner will not claim the maintenance allowance of Rs.2,000/- which was ordered to be paid by the respondent in connection with Misc. Case No.133/2012 and she will also not claim the amount of arrear maintenance; that, the petitioner will withdraw the other criminal case, which was lodged against the respondent, and as such, they prayed to pass a Decree of Divorce on mutual consent.”

6. In view of the above position, this Court is of the considered view that the present Criminal Revision Petition need not be detained any further and the same is closed in terms of the undertaking of the

respondent, herein, in the Judgment dated 20.11.2015, passed by the learned District Judge, Lakhimpur, North Lakhimpur, in Title Suit(Divorce). No.21/2013.

The interim order passed by this Court vide order dated 26.09.2013, stands vacated.

7. With the above observations and directions, the present Criminal Revision Petition stands disposed of.

8. A copy of the Judgment and Order dated 20.12.2015, passed by the learned District Judge, Lakhimpur, North Lakhimpur, in Title Suit(Divorce).No.21/2013, is kept on record and marked as 'X' for the purpose of identification.

JUDGE

Comparing Assistant