GAHC010100182020

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

Case No. : CRP/62/2020

JAYATI DEV
W/O- SRI SUDIP SUR, D/O- SRI JOYDIP KUMAR DEV, R/O- NORTH BONGAIGAON, W/NO. 8, P.O, P.S AND DIST- BONGAIGAON, ASSAM, PIN- 783380

VERSUS

SUDIP SUR
S/O- LATE BIDYUT KUMAR SURR, R/O- PALASHBARI TOWN, P.O, P.S- PALASHBARI, DIST- KAMRUP (M), ASSAM, PIN- 781128

Advocate for the Petitioner : MR. R C DAS

Advocate for the Respondent : MR. B J MUKHERJEE

BEFORE
THE HON'BLE MR. JUSTICE PRASANTA KUMAR DEKA
ORDER

02.12.2020.

Heard Mr. R. C. Das, the learned counsel for the petitioner. Also heard Ms. N. S. Thakuria, the learned counsel for the sole respondent/husband.

The petitioner who is the wife of the present respondent filed a divorce petition under

Section 27(1)(d)(f)(g) of Special Marriage Act, 1954 before completion of one year period from the date of marriage. The marriage as per the certificate was solemnized on 29.11.2019. The petitioner filed the divorce petition on 23.06.2020. As the marriage did not complete one year period, the petitioner filed an application seeking for leave from the court below to file the divorce petition prior to completion of the prescribed one year. The petitioner filed an application under Section 29(1) of Special Marriage Act, 1954 seeking for grant of leave by the court below which was rejected vide the impugned order dated 25.06.2020. As of now, one year period is over from the date of marriage between the parties to this petition.

In view of the said development no further leave is required to take cognizance by the court below in the said divorce petition filed by the present petition. Accordingly, this revision petition stands disposed of with the said observation.

JUDGE

Comparing Assistant