

Wang Chen Tshering Vs. Smt. Lorretta Tshering Nee Fuller and anr.

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SooperKanoon Citation : sooperkanoon.com/852799

Court : Kolkata

Decided On : May-07-1982

Reported in : AIR1983Cal50

Judge : Chittatosh Mookerjee, ;Ramkrishna Sharma and ;Amitabha Dutta, JJ.

Acts : [Divorce Act, 1869](#) - Sections 10 and 17

Appeal No. : Divorce Suit No. 18 of 1979

Appellant : Wang Chen Tshering

Respondent : Smt. Lorretta Tshering Nee Fuller and anr.

Judgement :

Chittatosh Mookerjee, J.

1. The order of the learned District Judge, Darjeeling allowing the petition under Section 10 of the Indian Divorce Act, filed by the husband has been placed before us for confirmation under Section 17 of the Indian Divorce Act.

2. After perusing the records we are satisfied that the learned District Judge has rightly allowed the petition dissolving the marriage of the petitioner with the respondent No. 1, under Section 10 of the Divorce Act.

3. On the 15th Sept., 1974 the marriage between the parties was solemnised at Zakhama, Nagaland and it has been proved by evidence that thereafter the parties lived together at Mirik within the district of Darjeeling. The petitioner has proved by cogent evidence that on 27th Aug., 1977 the respondent-wife had left the matrimonial home at Mirik without his consent and knowledge and had stayed in a neighbouring tea garden with the co-respondent on 29th Aug., 1979. It has been further proved by the evidence of P. W. 3 that the respondent-wife with the co-respondent had lived in a hotel at Kathmandu for about ten days. Although the respondent No. 1 had filed written statement she did not ultimately appear and contest the case and controvert the evidence given by the petitioner-husband that she had deserted her husband for the requisite period and had lived in adultery with the co-respondent during the aforesaid period.

4. In the circumstances, we accept the Reference and confirm the decree for dissolution of marriage passed by the District Judge, Darjeeling dissolving the marriage of the petitioner with the respondent No. 1.

5. There will be no order for costs.

Sharma, J.

6. I agree.

Amitabha Dutta, J.

7. I agree.