

Party Name : LAXMAN RANA Vs SMT. APARNA BANIK

THE HONBLE THE CHIEF JUSTICE T. VAIPHEI THE HONBLE MR. JUSTICE S.TALAPATRA

28.02.2017.

Heard Mr. D.C. Roy, the learned counsel for the appellant and Mr. S. Lodh, the learned counsel for the respondent.

The appeal is directed against the judgment dated 10.02.2014 passed by the learned Judge, Family Court, West Tripura, Agartala in Title Suit (Nullity) No.109 of 2012 dismissing the suit for declaration of the marriage between the appellant and the respondent as null and void.

At the outset, the learned counsel for the appellant would like to argue that the trial Court ought to have annulled the marriage on the ground of non-consummation of marriage under Section 12(1)(a) of the Hindu Marriage Act, 1955.

We have pointedly asked the learned counsel for the appellant to point out the plea in this behalf made by the appellant, but he is unable to answer our question. It is to be noted that a marriage can be annulled only on the ground that the marriage has not been consummated owing to the impotence of the respondent. No plea was set up by the appellant that the respondent was impotent and in the process, the marriage could not be consummated. In the absence of this plea, no ground for our interference in the impugned judgment is made out.

Resultantly, the appeal has no merit and is, accordingly, dismissed. The parties are, however, directed to bear their respective costs.