



# Direktori Putusan Mahkamah Agung Republik Indonesia

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ff6bff55ff64ff57ff5aff58ff4cfff57ff3cfff  
54ff2dff4fff1eff48ff11ff3eff08ff5100000038050100260075fe3aff78fe32ff7efe2aff84fe21ff8  
bfe1aff92fe15ff96fe14ff9afe15ff9dfe16ffa0fe  
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8bfa2dff90fa2bff95fa2affbffa2affc2fa2bffc4fa2cfff6fa2effc8fa31ffc8fa37ffc7fa39ffc4fa3effb  
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dbffe4fae0ffe1fae7ffe0aedffe0faf2ffe3faf6ffecfaf8fff3faf5fffaeffffffae8ff01fbf2fffdafabfff  
8fa0300f3fa0900ecfa0c00e3fa0d00dcfa  
0a00d5fa0500d2faffffd1fafaffd4faefffdafae5ffe0fadeffe7fadbff39000000380501001a0037fae  
dff53fad5ff73fabeff97faa9ffc0fa95fff8fa7eff  
34fb67ff74fb51ffb4fb3cfff4fb28ff31fc17ff15fc36ffe6fb44fffbcfb51ff94fb5dff6efb6aff48fb78  
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81facaff6afad5ff52fae0ff37faedff37000000380501001900fdca7ff0cfd96ff1cfd88ff2dfd7dff  
41fd72ff59fd65ff67fd5eff7afd54ff90fd49ffa9fd  
3effc5fd31ffe2fd24ff00fe17ff1ffe0bff0cfe29ffe3fd3bffbdfdc4cfff99fd5cfff9fd6bff5dfd78ff4af  
d81ff39fd89ff1dfd97ff0efd9efffdca7ff7100

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Halaman 53



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\\par {}\\rtlch\\fcs1 \\af1 \\ltrch\\fcs0 \\f1\\insrsid4474668\\charrsid5066403 DEMI KEADILAN  
BERDASARKAN KETUHANAN YANG MAHA ESA

\par }\pard \ltrpar\qj \fi720\li0\ri0\sl360\smult1\widctlpar\wrapdefault\aspalpha\aspnum  
 \faauto\adjustright\rin0\lin0\itap0\pararsid5066403 {\rtlch\fs1 \af1 \ltrch\fs0 \fi1  
 \insrsid4474668\charrsid5066403

Pengadilan Agama Surabaya yang memeriksa dan mengadili perkara tertentu pada tingkat pertama telah menjatuhkan putusan sebagai berikut dalam perkara cerai gugat antara:

\par }\pard \ltrpar\qj \fi-2835\li2835\ri0\sl360\smult1\widctlpar\tx2520\wrapdefault\aspalpha  
 \aspnun\faauto\adjustright\ri0\lin2835\itap0\pararsid5066403 {\rtlch\fs1 \af1 \ltrch\fs0 \fi1  
 \insrsid4474668\charrsid5066403 '93 Penggugat'93;

\par }\pard \ltrpar\qc \li0\ri0\sl360\smult1\widctlpar\wrapdefault\aspalpha\aspnum\faauto  
 \adjustright\ri0\lin0\itap0\pararsid5066403 {\rtlch\fs1 \af1 \ltrch\fs0 \f1\insrsid4474668  
 \charrsid5066403 M e l a w a n

$$\frac{1}{\Gamma(\frac{1}{2})} \int_0^1 \frac{1}{\sqrt{1-t}} dt = 1$$

\par }\pard \ltrpar\qj \fi-3402\li4366\ri0\sl360\smult1\widctlpar\wrapdefault\aspalpha  
\aspnum\faauto\adjustright\ri0\lin4366\itap0\pararsid5066403 {\rtch\fs1 \af1 \ltrch\fs0 \fi  
\insrsid4474668\charrsid5066403 Pengadilan Agama tersebut;

\par }\pard \ltrpar\qj \li964\ri0\sl360\smult1\widctlpar\wrapdefault\aspalpha\aspnum\faauto  
 \adjustright\rin0\lin964\itap0\pararsid5066403 {\rtlch\fs1 \af1 \ltrch\fs0 \fi1\insrsid4474668  
 \charrsid5066403 Telah mempelajari berkas perkara;

\par Telah mendengar keterangan Penggugat dan saksi-saksi di persidangan;



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\par }\pard \ltrpar\qc \li0\ri0\sl360\smult1\nowidctlpar\wrapdefault\aspalpha\aspnum\faauto\adjustright\rin0\lin0\itap0\pararsid5066403 {\rtlch\fc1 \af1 \ltrch\fc0 \f1\insrsid4474668\charrsid5066403 TENTANG DUDUK PERKARANYA

\par }\pard \ltrpar\qj \fi720\li0\ri0\sl360\smult1\nowidctlpar\thyphtx8640\wrapdefault\aspalpha\aspnum\faauto\adjustright\rin0\lin0\itap0\pararsid5066403 {\rtlch\fc1 \af1 \ltrch\fc0 \f1\insrsid4474668\charrsid5066403

Menimbang, bahwa Penggugat dengan surat gugatannya yang didaftarkan di Kepaniteraan Pengadilan Agama Surabaya dengan register Nomor: 4171/Pdt.G/2013/PA.Sby, tanggal 23 September 2013 telah mengajukan hal-hal sebagai berikut:

\par }\pard \ltrpar\qj \fi-360\li360\ri0\sl360\smult1\nowidctlpar\thyphtx8640\wrapdefault\aspalpha\aspnum\faauto\adjustright\rin0\lin360\itap0\pararsid5066403 {\rtlch\fc1 \af1 \ltrch\fc0 \f1\insrsid4474668\charrsid5066403 1.\tab

Bahwa Penggugat dan Tergugat telah menikah pada tanggal 27 Mei 2006 berdasarkan Kutipan Akta Nikah No. 343/115/V/2006 yang dikeluarkan oleh KUA Kecamatan Kenjeran, Kota Surabaya ;

\par 2.\tab }{\rtlch\fc1 \af1 \ltrch\fc0 \f1\insrsid5066403 Bahwa }{\rtlch\fc1 \af1 \ltrch\fc0 \f1\insrsid4474668\charrsid5066403 setelah melangsungkan perkawinan Penggugat dan Tergugat hidup bersama di }{\rtlch\fc1 \af1 \ltrch\fc0 \f1\insrsid286597 XXXX }{\rtlch\fc1 \af1 \ltrch\fc0 \f1\insrsid4474668\charrsid5066403 Kota Surabaya;

\par }\pard \ltrpar\qj \fi-360\li360\ri0\sl360\smult1\nowidctlpar\thyphtx8640\wrapdefault\aspalpha\aspnum\faauto\adjustright\rin0\lin360\itap0\pararsid8861222 {\rtlch\fc1 \af1 \ltrch\fc0 \f1\insrsid4474668\charrsid5066403 3.\tab

Bahwa selama perkawinan tersebut Penggugat dan Tergugat telah hidup rukun sebagaimana layaknya suami istri dan dikaruniai 1 orang anak bernama }{\rtlch\fc1 \af1 \ltrch\fc0 \f1\insrsid8861222 : }{\rtlch\fc1 \af1 \ltrch\fc0 \f1\insrsid4474668\charrsid5066403 1. }{\rtlch\fc1 \af1 \ltrch\fc0 \f1\insrsid286597

XXXX }{\rtlch\fc1 \af1 \ltrch\fc0 \f1\insrsid4474668\charrsid5066403 , }{\rtlch\fc1 \af1 \ltrch\fc0 \f1\insrsid5066403 umur 5 tahun }{\rtlch\fc1 \af1 \ltrch\fc0 \f1\insrsid4474668\charrsid5066403 ;

\par }\pard \ltrpar\qj \fi-360\li360\ri0\sl360\smult1\nowidctlpar\thyphtx8640\wrapdefault\aspalpha\aspnum\faauto\adjustright\rin0\lin360\itap0\pararsid4339198 {\rtlch\fc1 \af1 \ltrch\fc0 \f1\insrsid4474668\charrsid5066403 4.\tab

Bahwa semula kehidupan rumah tangga antara Penggugat dan Tergugat rukun tentram, dan harmonis, namun sejak 2011, rumah

tangga antara Penggugat dan Tergugat mulai goyah, sering terjadi perselisihan dan pertengkaran yang sulit di damaikan lagi disebabkan karena Tergugat tidak memberi nafkah lahir bathin kepada Penggugat sejak 2012;

\par }\pard \ltrpar\qj \fi-360\li360\ri0\sl360\smult1\nowidctlpar\thyphtx8640\wrapdefault\aspalpha\aspnum\faauto\adjustright\rin0\lin360\itap0\pararsid5066403 {\rtlch\fc1 \af1 \ltrch\fc0 \f1\insrsid4474668\charrsid5066403 5.\tab

Bahwa perselisihan dan pertengkaran antara Penggugat dan Tergugat tersebut, semakin lama s }{\rtlch\fc1 \af1 \ltrch\fc0 \f1\insrsid5066403 emakin memuncak, akhirnya sejak }{\rtlch\fc1 \af1 \ltrch\fc0 \f1\insrsid4474668\charrsid5066403

2012 Tergugat telah pergi meninggalkan Penggugat tanpa pamit dan sampai sekarang Tergugat tidak diketahui alamatnya dengan jelas baik di dalam maupun di luar wilayah Indonesia, sehingga antara Penggugat dan Tergugat telah pisah temp }{\rtlch\fc1 \af1

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\rtch\fc0 \f1\insrsid5066403 at tinggal selama kurang lebih}}{\rtch\fc1 \af1 \trch\fc0 \f1\insrsid4474668\charrsid5066403 1 tahun}}{\rtch\fc1 \af1 \trch\fc0 \f1\insrsid5066403\charrsid8861222 ;}}{\rtch\fc1 \af1 \trch\fc0 \f1\insrsid4474668\charrsid5066403

\par 6.\tab Bahwa Penggugat sudah berusaha untuk mencari Tergugat akan tetapi tidak berhasil.

\par 7.\tab Bahwa atas dasar alasan tersebut Penggugat mohon kepada ketua pengadilan agama Surabaya untuk berkenan memanggil dan memeriksa Penggugat dan Tergugat selanjutnya menjatuhkan putusan sebagai berikut:

\par }}\pard \trpar\qj \fi-360\li720\ri0\sl360\smult1\widctlpar\tx720\wrapdefault\aspalpha\aspnum\faauto\adjustright\ri0\lin720\itap0\pararsid5066403 {\rtch\fc1 \af1 \trch\fc0 \f1\insrsid4474668\charrsid5066403 1.\tab Mengabulkan gugatan Penggugat

\par }}\pard \trpar\qj \fi-360\li720\ri0\sl360\smult1\widctlpar\wrapdefault\aspalpha\aspnum\faauto\adjustright\ri0\lin720\itap0\pararsid5066403 {\rtch\fc1 \af1 \trch\fc0 \f1\insrsid4474668\charrsid5066403 2.\tab Menjatuhkan tal}}{\rtch\fc1 \af1 \trch\fc0 \f1\insrsid5066403 ak satu bain sughro Tergugat (}}{\rtch\fc1 \af1 \trch\fc0 \f1\insrsid286597 XXXX}}{\rtch\fc1 \af1 \trch\fc0 \f1\insrsid5066403 ) terhadap Penggugat }

{\rtch\fc1 \af1 \trch\fc0

\f1\lang1033\langfe1057\langnp1033\insrsid5066403 (}}{\rtch\fc1 \af1 \trch\fc0 \f1\insrsid286597 XXXX}}{\rtch\fc1 \af1 \trch\fc0 \f1\insrsid4474668\charrsid5066403 );

\par 3.\tab Membebankan biaya perkara ini sesuai dengan peraturan yang berlaku;

\par }}\pard \trpar\qj \fi90\li810\ri0\sl360\smult1\widctlpar\wrapdefault\aspalpha\aspnum\faauto\adjustright\ri0\lin810\itap0\pararsid5066403 {\rtch\fc1 \af1 \trch\fc0 \f1\insrsid4474668\charrsid5066403

Atau apabila Pengadilan berpendapat lain mohon putusan yang seadil-adilnya;

\par }}\pard \trpar\qj \fi720\li0\ri0\sl360\smult1\widctlpar\wrapdefault\aspalpha\aspnum\faauto\adjustright\ri0\lin0\itap0\pararsid5066403 {\rtch\fc1 \af1 \trch\fc0 \f1\insrsid4474668\charrsid5066403

Menimbang, bahwa pada hari persidangan yang telah ditetapkan Penggugat datang menghadap, akan tetapi Tergugat telah tidak datang menghadap dan tidak menyuruh orang lain untuk menghadap sebagai wakil/kuasanya tanpa alasan yang dapat dibenarkan menurut hukum, meskipun telah dipanggil secara patut, maka pemeriksaan perkara ini dilaksanakan tanpa hadirnya Tergugat;

\par Menimbang, bahwa Majelis Hakim telah berusaha menasihati Penggugat agar tidak bercerai dengan Tergugat, akan tetapi tidak berhasil, kemudian dibacakan surat gugatan Penggugat yang ternyata isinya tetap dipertahankan oleh Penggugat;

\par Menimbang, bahwa untuk menguatkan dalil gugatannya, Penggugat telah mengajukan alat bukti surat berupa:

\par {\listtext\pard\plain\trpar \s26 \rtch\fc1 \af0 \trch\fc0 \f1\lang1057\langfe1057\langnp1057\langfenp1057\insrsid4474668\charrsid5066403 \hich\af1\dbch\af0\loch\fi 1.

\tab }}\pard\plain \trpar\s26\qj \fi-360\li450\ri0\sl360\smult1\widctlpar\wrapdefault\aspalpha\aspnum\faauto\ls29\adjustright\ri0\lin450\itap0\pararsid5066403\contextualspace \rtch\fc1 \af0\afs24\alang1025 \trch\fc0 \fs24\lang1057\langfe1057\cgrid\langnp1057\langfenp1057 {\rtch\fc1 \af1 \trch\fc0 \f1\insrsid4474668\charrsid5066403 Foto copy Kutipan Akta Nikah Nomor 343/115/V/2006 tanggal

27 Mei 2006 yang dikeluarkan oleh kepala Kantor Urusan Agama Kecamatan Kenjeran, Kota Surabaya yang telah dicocokkan dengan aslinya, bermaterai cukup, diberi tanda (P-1);



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\par {\listtext\pard\plain\ltrpar\s26\rtlch\fcs1\af0\ltrch\fcs0\fi1\lang1057\langfe1057\langnp1057\langfenp1057\insrsid4474668\charrsid5066403\hich\af1\dbch\af0\loch\fi1 2.\  
\tab}

Foto copy Kartu Tanda Penduduk atas nama Penggugat yang telah bermaterai cukup dan sesuai dengan aslinya, bukti (P.2);

\par {\listtext\pard\plain\ltrpar\s26\rtlch\fcs1\af0\ltrch\fcs0\fi1\lang1057\langfe1057\langnp1057\langfenp1057\insrsid4474668\charrsid5066403\hich\af1\dbch\af0\loch\fi1 3.\  
\tab}

Foto copy Kartu Susunan Keluarga atas nama Penggugat yang telah bermaterai cukup dan sesuai) {\rtlch\fcs1\af1\ltrch\fcs0\fi1\insrsid5066403\charrsid5066403 dengan aslinya, bukti (P.3); } {\rtlch\fcs1\af1\ltrch\fcs0

\fi1\lang1033\langfe1057\langnp1033\insrsid4474668\charrsid8861222

\par {\listtext\pard\plain\ltrpar\s26\rtlch\fcs1\af0\ltrch\fcs0\fi1\lang1057\langfe1057\langnp1057\langfenp1057\insrsid8861222\hich\af1\dbch\af0\loch\fi1 4.\tab}}\pard\ltrpar\s26\qj\fi-360\li450\ri0\sl360\smult1

\widetlpar\wrapdefault\aspalpha\aspnum\faauto\ls29\adjustright\rin0\lin450\itap0

\pararsid8861222\contextualspace {\rtlch\fcs1\af1\ltrch\fcs0\fi1\insrsid8861222 Surat Pernyataan Penggugat mengetahui Kelurahan Bulak Banteng } {\rtlch\fcs1\af1\ltrch\fcs0\fi1\insrsid8861222\charrsid8861222 } {\rtlch\fcs1\af1\ltrch\fcs0\fi1\insrsid8861222 bukti (P.4) {\rtlch\fcs1\af1\ltrch\fcs0\fi1\insrsid8861222\charrsid5066403 }; } {\rtlch\fcs1\af1\ltrch\fcs0

\fi1\lang1033\langfe1057\langnp1033\insrsid8861222\charrsid5066403

\par }\pard\plain\ltrpar\qj\fi720\li0\ri0\sl360\smult1\widetlpar\wrapdefault\aspalpha\aspnum\faauto\adjustright\rin0\lin0\itap0\pararsid5066403\rtlch\fcs1\af0\afs24\alang1025\ltrch\fcs0\fs24\lang1057\langfe1057\cgrid\langnp1057\langfenp1057 {

\rtlch\fcs1\af1\ltrch\fcs0\fi1\insrsid4474668\charrsid5066403 Menimbang, bahwa sehubungan dengan bukti-bukti surat tersebut, Penggugat menyatakan telah cukup;

\par Menimbang, bahwa Penggugat juga mengajukan saksi-saksi di persidangan, yaitu:

\par }\pard\ltrpar\qj\fi-360\li360\ri0\sl360\smult1\widetlpar\wrapdefault\aspalpha\aspnum\faauto\adjustright\rin0\lin360\itap0\pararsid5066403 {\rtlch\fcs1\af1\ltrch\fcs0\fi1\insrsid4474668\charrsid5066403 1.\tab Nama } {\rtlch\fcs1\af1\ltrch\fcs0

\fi1\insrsid286597 XXXX} {\rtlch\fcs1\af1\ltrch\fcs0\fi1\insrsid4474668\charrsid5066403 , umur 30 tahun, agama Islam, Pekerjaan swasta, tempat tinggal di } {\rtlch\fcs1\af1\ltrch\fcs0

\fi1\insrsid286597 XXXX} {\rtlch\fcs1\af1\ltrch\fcs0

\fi1\insrsid4474668\charrsid5066403 Kota Surabaya, yang telah memberikan keterangan di bawah sumpah yang pada pokoknya sebagai berikut:

\par }\pard\ltrpar\qj\fi-360\li720\ri0\sl360\smult1\widetlpar\wrapdefault\aspalpha\aspnum\faauto\adjustright\rin0\lin720\itap0\pararsid5066403 {\rtlch\fcs1\af1\ltrch\fcs0\fi1\insrsid4474668\charrsid5066403 -\tab

Bahwa saksi kenal dengan Penggugat dan Tergugat karena saksi adalah Adik Ipar

\par -\tab Bahwa setelah melangsungkan perkawinan Penggugat dan Tergugat hidup bersama di } {\rtlch\fcs1\af1\ltrch\fcs0\fi1\insrsid286597 XXXX} {\rtlch\fcs1\af1\ltrch\fcs0\fi1\insrsid4474668\charrsid5066403 Kota Surabaya,

\par -\tab Bahwa semula rumah ta

ngga Penggugat dan Tergugat rukun dengan baik kemudian terjadi perpisahan sejak 2012 karena Tergugat pergi tanpa pamit dan sampai sekarang tidak diketahui alamatnya dengan jelas kurang lebih sudah 1 tahun dan selama itu pula Tergugat tidak ada kabar berit  
anya

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\par }\pard \ltrpar\qj \fi-360\li720\ri0\sl360\smult1\widctlpar\wrapdefault\aspalpha\aspnum \faauto\adjustright\ri0\lin720\itap0\pararsid8861222 {\rtlch\fcs1 \af1 \ltrch\fcs0 \f1 \insrsid4474668\charrsid5066403 -\tab

Bahwa antara Penggugat dan Tergugat dan dikaruniai 1 orang anak bernama : 1. }{\rtlch\fcs1 \af1 \ltrch\fcs0 \f1\insrsid286597 XXXX}{\rtlch\fcs1 \af1 \ltrch\fcs0 \f1\insrsid4474668 \charrsid5066403 , }{\rtlch\fcs1 \af1 \ltrch\fcs0 \f1\insrsid5066403

umur 5 tahun}{\rtlch\fcs1 \af1 \ltrch\fcs0 \f1\insrsid4474668\charrsid5066403 ;

\par }\pard \ltrpar\qj \fi-360\li720\ri0\sl360\smult1\widctlpar\wrapdefault\aspalpha\aspnum \faauto\adjustright\ri0\lin720\itap0\pararsid5066403 {\rtlch\fcs1 \af1 \ltrch\fcs0 \f1 \insrsid4474668\charrsid5066403 -\tab

Bahwa sebelum Tergugat pergi meninggalkan Penggugat tersebut, dalam kehidupan rumah tangga Penggugat dan Tergugat, sering terjadi perselisihan dan pertengkaran yang penyebabnya karena

\par }\pard \ltrpar\qj \fi-360\li720\ri0\sl360\smult1\widctlpar\tx0\wrapdefault\aspalpha \aspnum\faauto\adjustright\ri0\lin720\itap0\pararsid5066403 {\rtlch\fcs1 \af1 \ltrch\fcs0 \f1 \insrsid4474668\charrsid5066403 \tab

1. Tergugat tidak memberi nafkah lahir bathin kepada Penggugat sejak 2012;

\par }\pard \ltrpar\qj \fi-360\li720\ri0\sl360\smult1\widctlpar\wrapdefault\aspalpha\aspnum \faauto\adjustright\ri0\lin720\itap0\pararsid5066403 {\rtlch\fcs1 \af1 \ltrch\fcs0 \f1 \insrsid4474668\charrsid5066403 -\tab

Bahwa Penggugat sudah berusaha mencari Tergugat, namun tidak berhasil;

\par -\tab Bahwa dari pihak keluarga sudah berusaha untuk menasihati Penggugat agar tidak bercerai, akan tetapi tidak berhasil;

\par }\pard \ltrpar\qj \fi-360\li360\ri0\sl360\smult1\widctlpar\wrapdefault\aspalpha\aspnum \faauto\adjustright\ri0\lin360\itap0\pararsid5066403 {\rtlch\fcs1 \af1 \ltrch\fcs0 \f1 \insrsid4474668\charrsid5066403 2.\tab Nama }{\rtlch\fcs1 \af1 \ltrch\fcs0 \f1\insrsid286597 XXXX}{\rtlch\fcs1 \af1 \ltrch\fcs0 \f1\insrsid4474668\charrsid5066403 ,

umur 40 tahun, agama Islam, Pekerjaan swasta, tempat tinggal di }{\rtlch\fcs1 \af1 \ltrch\fcs0 \f1\insrsid286597 XXXX}{\rtlch\fcs1 \af1 \ltrch\fcs0 \f1\insrsid4474668\charrsid5066403 Kota Surabaya, yang telah memberikan keterangan di

bawah sumpah yang pada pokoknya sebagai berikut:

\par }\pard \ltrpar\qj \fi-360\li720\ri0\sl360\smult1\widctlpar\wrapdefault\aspalpha\aspnum \faauto\adjustright\ri0\lin720\itap0\pararsid5066403 {\rtlch\fcs1 \af1 \ltrch\fcs0 \f1 \insrsid4474668\charrsid5066403 -\tab

Bahwa saksi kenal dengan Penggugat dan Tergugat karena saksi adalah Kakak Sepupu

\par -\tab Bahwa setelah melangsungkan perkawinan Penggugat dan Tergugat hidup bersama di }{\rtlch\fcs1 \af1 \ltrch\fcs0 \f1\insrsid286597 XXXX}{\rtlch\fcs1 \af1 \ltrch\fcs0 \f1 \insrsid4474668\charrsid5066403 Kota Surabaya,

\par -\tab Bahwa semula rumah tangga Penggugat dan Tergugat rukun dengan baik kemudian terjadi perpisahan sejak 2012 karena Tergug

at pergi tanpa pamit dan sampai sekarang tidak diketahui alamatnya dengan jelas kurang lebih sudah 1 tahun dan selama itu pula Tergugat tidak ada kabar beritanya ;

\par }\pard \ltrpar\qj \fi-360\li720\ri0\sl360\smult1\widctlpar\wrapdefault\aspalpha\aspnum \faauto\adjustright\ri0\lin720\itap0\pararsid8861222 {\rtlch\fcs1 \af1 \ltrch\fcs0 \f1 \insrsid4474668\charrsid5066403 -\tab

Bahwa antara Penggugat dan Tergugat dan dikaruniai 1 orang anak bernama : 1. }{\rtlch\fcs1 \af1 \ltrch\fcs0 \f1\insrsid286597 XXXX}{\rtlch\fcs1 \af1 \ltrch\fcs0 \f1\insrsid4474668 \charrsid5066403 , }{\rtlch\fcs1 \af1 \ltrch\fcs0 \f1\insrsid5066403





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