

In the Court of Addl. Dist. & Sess. Judge, 1st Court, Katwa.

MAT Suit No.247 of 2025

[U/s.13 of Hindu Marriage Act, 1955]

Or. No.07
Dt.22.07.26

Today is fixed for **ex-parte order** in this Mat. Suit. The case record is taken up accordingly.

This is an application U/s.13 of the Hindu Marriage Act 1955 filed by the petitioner/husband Haladhar Thander against the respondent/wife Purnima Thander praying for decree for dissolution of their marriage solemnized on 03.02.2009 as per Hindu rites and customs, by decree of divorce.

The facts of the case of the present petitioner/husband in brief is that the parties to the instant suit are Hindu by faith and that their marriage was **solemnized on 03.02.2009 as per Hindu Rites and Customs at the house of the father of the respondent/wife at village Nanagar, P.S.- Katwa, Dist.-Purba Bardhaman which is within the jurisdiction of this court** and that thereafter, they started to reside as husband and wife initially **at the house of petitioner/husband at village Debkundu, P.S.- Katwa, Dist.-Purba Bardhaman which is within the jurisdiction of this court and their marriage was duly consummated and within said wedlock 02 children namely, Rajesh Thander, aged about 18 yrs. & another namely, Deep Thander, aged about 16 yrs. were born to them who are under the care and custody of the present petitioner/husband.**

It is also the case of the present petitioner/husband that the respondent/wife used to behave with the petitioner/husband in cruel manner and that she used to leave her matrimonial home off and on without informing one and she used to went to her father's house and that she had illicit relation with one boy namely Saheb Majhi of Paligram Paschimpara under PS- Mongalkote and that subsequently on 01.03.2024 she left her matrimonial home and that at present she has been living with said boy as husband and wife.

It is also the case of the present petitioner/husband that there is no chance of future reconciliation or reunion in between them.

The petitioner/husband has clearly stated in the instant petition that he has filed the instant petition praying for dissolution of marriage on the ground of cruelty and desertion.

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There is no collusion in between the parties in presenting the instant petition.

As per the petition U/s.13 of the Hindu Marriage Act, the cause of action on the present case arose on and from 01.03.2024 and within the jurisdiction of this Court.

In this suit the respondent/wife appeared but she did not file WS and subsequently she did not contest this suit and hence the instant suit has been heard ex-parte.

At the time of ex-parte hearing of this suit the petitioner/husband Haladhar Thander has filed his examination-in-chief on affidavit and deposed as P.W.1.

The self attested photo copy of the AADHAAR Card of the present petitioner/husband has been marked as Ext.P-1/PW1.

In his evidence on affidavit the present petitioner Haladhar Thander (P.W.1) has narrated the entire facts as stated in the petition U/s.13 of the Hindu Marriage Act, 1955.

From the unchallenged oral testimony of the present petitioner/husband it has been clearly proved that the marriage in between the present petitioner/husband and the respondent/wife was solemnized on 03.02.2009 as per Hindu rites and customs and that the respondent/wife used to commit mental torture upon the present petitioner/husband and that the present respondent/wife has deserted the petitioner/husband without any just cause.

Within said wedlock 02 children namely, Rajesh Thander, aged about 18 yrs. & another namely, Deep Thander, aged about 16 yrs. were born to them who are under the care and custody of the present petitioner/husband.

There is nothing on record to disbelieve said oral evidence of the present petitioner/husband.

The marriage of the parties to this suit was solemnized on 03.02.2009 and that the instant suit for divorce has been filed on 08.08.2025 ie, after expiry of more than one year.

Considering the evidence on record as discussed above I am of the considered opinion that the present petitioner/husband has succeeded to prove his case and he is

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entitled to get a decree of divorce against the present respondent/wife on the ground of desertion and cruelty, as prayed for.

As a result, the suit succeeds.

C.F. paid is correct.

Hence, it is

Ordered

that the instant suit U/s.13 of the Hindu Marriage Act, 1955 filed by the petitioner/husband Haladhar Thander be and the same is hereby decreed ex-parte against the respondent/wife Purnima Thander without cost.

The marriage in between the petitioner/husband Haladhar Thander and respondent/wife Purnima Thander solemnized on 03.02.2009 as per Hindu Rites and Customs, is hereby dissolved by this order of divorce with effect from the date of this order.

Let a copy of the decree, as and when drawn. be supplied to the petitioner free of cost as per provision of S.23(4) of the Hindu Marriage Act,1955.

D/c. by me

Judge

A.D.J, 1st Court, Katwa
J.O. Code : WB00673.

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