

DISTRICT- GOPALGANJ (BIHAR)

IN THE COURT OF PRINCIPAL JUDGE, FAMILY COURT, GOPALGANJ

MATRIMONIAL CASE NO. 222/2024

(C. I. S. No. 222/2024)

(u/s 13 of Hindu Marriage Act, 1955)

PRESENT : DHIRENDRA BAHADUR SINGH
PRINCIPAL JUDGE,
FAMILY COURT, GOPALGANJ

Date of judgment - the 23rd Day of May, 2026

IN THE MATTER OF:-

Deepshikha Kumari, aged about 28 years, w/o Naman Srivastava d/o
Ramesh Chandra Srivastava, r/o Plot No. C241, Flat No. G1, Laxmi
Apartment, Gali No. 26, Sai Kunj, New Palam Vihar, Gurugram, Haryana
122017. A/P r/o village- Hanuman Garhi Sareya 11, District- Gopalganj

.....**Applicant/Plaintiff**

Versus

Naman Srivastava aged about 32 years s/o Umesh Kumar Srivastava, r/o -
Shanti Sadan near water tank behind Orion mall, Mohaddipur Gorakhpur
(U.P.) Pin- 273008. A/P- S.R.M. University Office, Eldeco Corporate Tower,
Vibhuti Khand, Gomti Nagar, Lucknow (U.P.) Pin- 226010. Also resided at-
Plot No. C241, Flat No. G1, Laxmi Apartment, Gali No. 26, Sai Kunj, New
Pala Vihar, Gurugram, Harayana 122017.....**Respondent/O.P.**

Ld. Counsel for the Applicant	:- Sri Ramesh Chandra Srivastava
Ld. Counsel for the Respondent/O.P.	:- None

Date of filing	: 23.08.2024
Date of admission	: 20.09.2024
Judgment reserved on	: 08.05.2026
Date of Judgment	: 23.05.2026

JUDGMENT

1. Applicant Deepshikha Kumari has filed this case on 23.08.2024 u/s 13 of the Hindu Marriage Act, 1955 with a prayer to dissolve her marriage solemnized with her husband/O.P. Naman Srivastava on 30.04.2021 according to Hindu rites and customs at Shambhu Marriage Hall, District- Gopalganj and to pass the decree of divorce on the ground of cruelty and desertion.

BRIEF FACTS

2. The brief facts which give rise to the present case is that applicant Deepshikha Kumari was married to husband/O.P. Naman Srivastava on 30.04.2021 according to Hindu rites and customs at Shambhu Marriage Hall, District- Gopalganj and applicant's parents gave Rs. Five lakh cash and other ceremonial gifts and thereafter applicant went to her matrimonial home. It has also been stated that after going to matrimonial home she came to know that the O.P. is a drunkard and she tried that O.P. could change his behaviour towards her but the O.P. started to assault the applicant physically. It has further been stated that the O.P. pressurized the applicant for abortion and on denial the applicant was physically assaulted by the O.P. It has further been stated that the O.P. pressurized the applicant for dowry demand of Rs. Two lakh and due to non-fulfillment of demand he took a loan from Paysence App in the name of applicant. It has further been stated that on 22.09.2022 the applicant gave birth to girl child namely Dhriti but O.P. pressurized the applicant for money and the applicant gave Rs. Twenty thousand to O.P. after getting the same from her father. It has also been stated that after discharge from hospital the applicant went to matrimonial home and the O.P. again demanded money and assaulted the applicant then anyhow the applicant came to her MAYAKA at Gopalganj. It has further been stated that the applicant again went to O.P.'s house in January, 2023 then the O.P. pressurized the applicant to earn money and to pay her E.M.I. with own earning and to maintain her daughter also. It has further been stated that the applicant started to work in school for maintaining her daughter but subsequently due to difficulty in taking care of girl child and the applicant left the work and the E.M.I. has been paid by her father and brother. It has also been stated that O.P.'s family members are of cruel behaviour and she has been mentally tortured by the O.P. and O.P.'s mother kept all ornaments of the applicant with her. It has further been stated that the O.P. has physically, economically and mentally tortured the applicant she came to her MAYAKA on 16.08.2024. It has further been stated that the O.P. has no love and affection towards the applicant and minor daughter and he has cruel behaviour against the applicant

and girl child. After paying the proper court fee, the applicant/plaintiff seeks the relief of decree of divorce and to return the STREEDHAN of applicant.

W.S.

3. The present proceeding is ex parte and no W.S. has been filed on behalf of O.P.

CASE HISTORY

4. The present matrimonial case has been filed on 23.08.2024 and the same has been admitted on 20.09.2024. The case proceeded ex parte vide order dated 18.02.2025 and altogether three witnesses have been produced during ex parte evidence on behalf of applicant. During course of evidence, A.W. 1 Deep shikha Kumari, A.W. 2 Anupam Kumar Mishra and A.W. 3 Ramesh Chandra Srivastava have been examined on 30.01.2026, 10.02.2026 and 19.02.2026 respectively. Evidence of the applicant has been closed on 27.03.2026. Certified copy of cognizance order dated 28.03.2025 in Trial no. 2269/2026, certified copy of complaint petition, certified copy of the judgment/order passed in Maintenance Case no. 225/2024 and copy of marriage certificate issued by Ward Councilor have been exhibited as Exhibit- A-1, X (for identification only), Y and Z respectively. Affidavit regarding assets and liabilities as per the guidelines of Honourable Supreme Court of India in the case of Rajnesh vs. Neha (2021) 2 SCC 324 has been filed on behalf of applicant. After hearing the arguments finally on 08.05.2026 the present ex parte proceeding has been posted for judgment.

ARGUMENT ON BEHALF OF APPLICANT

5. Learned counsel for the applicant submitted that applicant successfully proved by way of his evidence that the O.P. has cruel behaviour against the applicant. He has further submitted that the O.P. assaulted and ousted the applicant and daughter from the matrimonial home and he denied to maintain the applicant. He has submitted that the O.P. took loan in the name of applicant and she is anyhow maintaining herself. The O.P. and his family members mentally tortured and assaulted her and after that she came to her MAYAKA on 16.08.2024 and O.P. treated the applicant in a cruel manner. The applicant is entitled to get the marriage dissolved and passing the decree of

divorce in her favour. Hence prayed to allow the present matrimonial case and to pass the decree of divorce and to return the STREEDHAN and belongings of applicant.

ARGUMENT ON BEHALF OF RESPONDENT/O.P.

6. The present proceeding is ex parte and no one turned up on behalf of O.P. to advance the arguments.

POINTS FOR DETERMINATION

7. Following are the points for determination in this case -

- (i). Whether the suit as framed is maintainable?
- (ii). Whether any valid cause of action arose for the suit?
- (iii). Whether this court has got jurisdiction to try, entertain and adjudicate the suit?
- (iv). Whether the respondent/O.P. deserted the applicant for a continuous period of not less than two years immediately preceding the presentation of the present petition for divorce filed on behalf of applicant?
- (v). Whether the respondent/O.P. treated the applicant with cruelty after solemnization of the marriage?
- (vi). Whether there is any collusion in between the parties in filing the present suit for divorce?
- (vii). Whether the applicant is entitled for any other relief?

EVIDENCE OF APPLICANT

8. During the course of evidence altogether three witnesses have been examined on behalf of applicant namely A.W. 1 Deepshikha Kumari, A.W.2 Anupam Kumar Mishra and A.W. 3 Ramesh Chandra Srivastava have been examined on 30.01.2026, 10.02.2026 and 19.02.2026 respectively.

9. A.W. 1 Deepshikha Kumari is applicant herself and she has stated in para no. 1 that her marriage was solemnized with O.P. on 30.04.2021 according to Hindu rites and customs at Shambhu Marriage Hall, District-Gopalganj and Rs. Five lakh cash , ornaments worth Rs. 15-20 lakh and other ceremonial gifts were given at the time of marriage. In para no. 2 she has stated that after some time she came to know that her husband is a drunkard and he used to assault her. She has further stated that her husband and in-law's family members tortured mentally and physically to her. In par no. 3 she has stated that she gave birth to a girl child on 22.09.2022 namely Dhriti Srivastava out of the wedlock and after five days her husband and in-law's family ousted her

from the matrimonial home because the O.P. and his family members wants a male child. In para no. 4 she has stated that prior to the birth of girl child the O.P. took a loan from Yes Bank of Rs. 2.50 lakh in her name. In para no. 5 she has stated that she again went to her matrimonial home and made several efforts to pacify the dispute with her husband and she lived well for two months at her matrimonial home and thereafter her husband again assaulted her. In para no. 6 she has stated that her husband again took a loan of Rs. 2.50 lakh from Paysence App and thereafter her husband denied to pay the said loan amount and she has been anyhow paying the loan. In para no. 7 she has stated that her husband started mentally torturing and harassing her and thereafter she came to her MAYAKA along with girl child on 15.08.2024. In para no. 8 she has stated that she has been maintained by her father. In para no. 9 she has stated that her ornaments and STREEDHAN was snatched by O.P. In para no. 10 she has stated that her husband never contacted her and he has not maintaining her. In para no. 11 she has stated that her husband has cruel behaviour against her and she is unable to live with him and thereafter she filed the present case for seeking divorce. In para no. 12 she has stated that she wants her STREEDHAN and Rs. 35 lakh from the O.P. In para no. 13 she has stated that she wants decree of divorce on the basis of cruelty made by her husband.

During court question, in para no. 14 she has stated that her marriage was solemnized at Shambhu Marriage Hall, P.S. & District- Gopalgan and next day she went to her matrimonial home at Gorakhpur. In para no. 15 she has stated that her husband has not filed any case against her. In para no. 16 she has stated that her husband has never contacted her and never made any efforts to take her back with him.

10. A.W. 2 Anupam Kumari Mishra is an independent witness and he has stated in para no. 1 that applicant Deepshikha Kumari married to O.P.Naman Srivastava on 30.04.2021 at Shambhu Marriage Hall, District- Gopalganj and Rs. 25 lakh was spent on the marriage thereafter she went to matrimonial home. In para no. 2 he has stated that O.P. is a drunkard who used to assault the applicant. In para no. 3 he has stated that the applicant has one girl child out of the wedlock and thereafter the O.P. assaulted and ousted her from

matrimonial home and after that she came to her MAYAKA. In para no. 4 he has stated that applicant went to matrimonial home to pacify the marital disputes but there was no change in behaviour of O.P. who again assaulted and ousted the applicant from matrimonial home. In para no. 5 he has stated that applicant has been living at her MAYAKA for the last two years and during this period the O.P. never contacted her. In para no. 6 he has stated that applicant wants divorce due to cruel behaviour of O.P. In para no. 7 he has stated that the O.P. be directed to return the STREEDHAN of applicant and reimburse the expenses incurred during the marriage.

During court question, in para no.8 he has stated that he participated in the marriage ceremony of applicant and O.P. and there were 200-250 person were present at the wedding. In para no. 9 he has stated that he never visited to O.P.'s house prior to the marriage.

11. A.W. 3 Ramesh Chandra Srivastava is father of applicant and he has stated in para no. 1 that applicant married to O.P. on 30.04.2021 at Shambhu Marriage Hall, District- Gopalganj and Rs. Five lakh cash and ceremonial gifts worth Rs. Eight lakh were given at the time of marriage thereafter his daughter went to matrimonial home. In para no. In para no. 2 he has stated that his daughter came to know that the O.P. is a drunkard and his daughter narrated the incidence to him but there was no change in behaviour of O.P. who continuously used to assault his daughter. In para no. 3 he has stated that he visited to O.P.'s house in Gurgaon and pacified the O.P. In para no. 4 he has stated that his daughter gave birth to a girl child in the year 2022. In para no. 5 he has stated that O.P. took a loan through Paysense App by his daughter's mobile and utilized those funds to settle the hospital bills and after sometime the O.P. and his mother pressurized his daughter for money and he gave Rs. Twenty thousand to them. In para no. 6 and 7 he has stated that O.P. confined his daughter and assaulted her and subjecting to this he took his daughter with him under the protection of police and thereafter the O.P. and family members never contacted his daughter. In para no. 8 he has stated that his daughter made several efforts to pacify the marital dispute and she went to matrimonial home and thereafter the O.P. again took loan of Rs. Two lakh from Yes Bank and the O.P. physically assaulted his daughter. He has further stated that his daughter returned to MAYAKA and the O.P. snatched her STREEDHAN, ornaments

and belongings and MANGALSUTRA was kept by O.P.'s mother. In para no. 10 he has stated that his daughter does not want to live with O.P. and he also not in favour to perform her BIDAI. In para no. 11 he has stated that O.P.'s maternal home is in Gopalganj and O.P. visited to Gopalganj on 2-3 occasions after the death of grandmother but the O.P. never contacted his daughter and girl child. In para no. 12 he has stated that his daughter seeks dissolution of marriage on the ground of O.P.'s cruel behaviour. In para no. 13 he has stated that the O.P. be ordered to return all STREEDHAN and the expenses incurred during the marriage of applicant.

During court question, in para no. 14 he has stated that his daughter seeks divorce on the ground of cruelty made by O.P. In para no. 15 he has stated that his daughter has been living at her MAYAKA 3-4 months prior to filing of the present case.

EVIDENCE OF RESPONDENT/O.P.

12. The present proceeding is ex parte and no evidence has been produced on behalf of respondent/O.P.

FINDINGS

13. Now in the light above noted evidences following are the findings on the point of determinations-

(i). Whether the suit as framed is maintainable- From the plaint, it is apparent that the applicant and the O.P. are legally wedded couple according to Hindu rites and customs. The place of marriage has been disclosed in the plaint at Shambhu Marriage Hall, District- Gopalganj. The ground for divorce are desertion and cruelty. The date of desertion and cruelty / date of cause of action arose on 16.08.2014 has been mentioned in the plaint. The proper court fee has been filed on behalf of applicant. Hence the suit as framed is maintainable.

(ii). Whether any valid cause of action arose for the suit- As per plaint para no. 9 the cause of action arose for filing the suit arose on 16.08.2024, the day on which the O.P. assaulted, tortured and denied to maintain the applicant and after that she came to her MAYAKA on 16.08.2024 with her daughter. During course of evidence, A.W. 1 Deepshikha Kumari has stated in para no. 7 that the O.P. mentally tortured and assaulted her and she came to her MAYAKA on 15.08.2024 along with her daughter. A.W. 2 Anupam Kumar Mishra has stated

in para no. 3 that the couple has one girl child out of the wedlock and after the birth of girl child the O.P. assaulted and ousted her from the matrimonial home. In para no. 5 he has stated that applicant has been living at her MAYAKA for the last two years along with girl child. A.W. 3 Ramesh Chandra Srivastava has also supported the version of applicant regarding cause of action in para no. 8, 9 and 10 of his evidence. Thus all the witnesses supported the cause of action and the witnesses have not been cross examined on behalf of O.P. and during court question the witnesses appear to be truthful. There is nothing on record to disbelieve their evidences. So it can safely be held that the cause of action arose on 16.08.2024 which is the date on which the O.P. lastly refused to lead conjugal life with the applicant.

(iii). Whether this court has got jurisdiction to try, entertain and adjudicate the suit- The marriage of the applicant and O.P. has been celebrated at Shambhu Marriage Hall, District- Gopalganj. Furthermore the applicant is the resident of village- Hanuman Garhi Sareya 11, District- Gopalganj which is well within the jurisdiction of this court. So this court has jurisdiction to try, entertain and adjudicate the present suit.

(iv). Whether the respondent/O.P. deserted the applicant for a continuous period of not less than two years immediately preceding the presentation of the present petition for divorce filed on behalf of applicant- From the plaint para no. 1, it is apparent that marriage has been solemnized on 30.04.2021 according to Hindu rites and customs at Shambhu Marriage Hall, Gopalganj. From plaint para no. 9, it is apparent that the applicant has been residing at the MAYAKA house since 16.08.2024. However as per the statutory mandate, desertion must be for a continuous period of not less than two years immediately preceding the presentation of the petition. From the pleadings and evidences on record, it is admitted that the separation took place on 16.08.2024 and the present petition was filed on 23.08.2024. As the mandatory statutory period of two years had not been elapsed prior to the institution of this suit. Hence the ground of desertion is not available to the applicant and she has not proved the same.

(v). Whether the respondent/O.P. treated the applicant with cruelty after solemnization of the marriage- From the plaint para no. 2, 3, 4, 5, 6, 7, 9 and

10, following are the instances of cruelty committed by the respondent/husband-

(a) Respondent/husband is a drunkard who consumed liquor regularly and assaulted the applicant/wife under intoxication- A.W.1/applicant/wife has stated in para no. 2 of her evidence that she got knowledge at her matrimonial home that her husband is a drunkard and the respondent/husband used to assault the applicant under intoxication and parents of the respondent/husband never stopped him from taking liquor and they backed the respondent. She has also stated in the same para that her husband and his parents tortured her physically and mentally. A.W.2 is an independent witness who has stated in para no. 2 of his evidence that respondent/husband and his father are drunkard and the respondent/husband used to assault the applicant/wife after consuming liquor. A.W. 3 Ramesh Chandra Srivastava is father of the applicant and he has also stated that his son-in-law/respondent is a drunkard who used to assault the applicant after consuming liquor.

(b) The respondent/husband pressurized the applicant/wife for abortion while she was pregnant and assaulted her during pregnancy and refused to maintain her and took loan in the name of applicant/wife by pressurizing her during and after pregnancy- A.W. 1 has stated in para no. 4 that prior to the birth of girl child her husband took loan of Rs. Two and half lakh in her name from Yes Bank. In para no. 6 she has stated that her husband again took loan of Rs. two and half lakh in her name from Paysence App and thereafter her husband denied to pay the said loan amount and she anyhow started to pay the loan amount by doing job. A.W. 3 has stated in para no. 5 of his evidence that O.P. took loan in his daughter's name from Paysence App by way of mobile phone of his daughter and the O.P. paid the hospital bill. At that time the O.P. and his mother pressurized the applicant for money and this witness paid Rs. Twenty thousand to them. In para no. 6 A.W. 3 has stated that while the applicant returned from hospital to matrimonial home, the O.P. locked her in a room and assaulted her and this witness intervened and informed to police by dialing 112 and in police protection this witness took the applicant along with her seven-eight days old baby returned to Gopalganj. In para no. 7 and 8 he has stated that his daughter again tried to restore her

conjugal life and went to her matrimonial home and the O.P. again took a loan of Rs. Two lakh from Yes Bank in the name of applicant by way of her mobile phone and the O.P. again assaulted the applicant. The applicant took help of her brother who was residing in Delhi at that time and the applicant returned from her matrimonial home to her MAYAKA and the in-law's family members kept all her STREEDHAN.

(c) The respondent/husband pressurized the applicant/wife to earn and to pay installments of loan and assaulted her for that, the applicant/wife started to work and her infant girl child was not looked after properly by the mother of husband and she left the job and her father and brother were paying the installments of loan- A.W. 1/applicant has stated in her evidence para no. 6 and 7 that her husband took loan of Rs. Two and half lakh in her name through Paysence App and her husband refused to repay the loan. She has further stated that she started to work and to repay the loan and on 15.08.2024 her husband severely tortured her mentally and physically and the applicant returned to her MAYAKA along with her daughter. A.W. 3 has stated in para no. 5 and 8 that the O.P. took loan through Paysence App in the name of applicant and he again took loan of Rs. two lakh from Yes Bank and started to assault the applicant.

(d) The respondent/husband tortured the applicant/wife physically, mentally and economically in such a manner that the applicant/wife was forced to leave the matrimonial home along with her infant girl child on 16.08.2024- it is apparent that the O.P. assaulted, tortured and ousted the applicant on 16.08.2024 and he refused to maintain the applicant and her minor daughter since then she has been living at her MAYAKA. It has also been stated that the O.P. is a drunkard and he is of cruel and ill-mannered behaviour against the applicant and he used to torture the applicant mentally and physically. During course of evidence, A.W. 1 Deepshikha Kumari has stated in para no. 2 of her examination-in-chief that her husband is a drunkard and he used to torture and assaulted her. In para no. 3 she has stated that she gave birth to a girl child out of the wedlock and thereafter her husband and in-law's family members assaulted and ousted her from matrimonial home. In para no. 5 she has stated that She went to her SASURAL to pacify the O.P. but there was

no change in the behaviour of O.P. In para no. 10 and 11 she has stated that her husband never maintains her and due to cruel behaviour of her husband she does not want to live with him. In para no. 13 she has stated that she wants divorce on the ground of cruelty made by her husband. A.W. 2 Anupam Kumar Mishra has stated in para no. 2 that the applicant came know that O.P. is a drunkard who brutally assaulted the applicant. In para no. 3 he has stated that after the birth of girl child the O.P. assaulted and ousted the applicant from the matrimonial home since then she has been living at her MAYAKA. In para no. 4 he has stated that applicant made several efforts to pacify the matrimonial relation but O.P. never changed his behaviour and the O.P. again assaulted and ousted the applicant from the matrimonial home. In para no. 5 he has stated that applicant has been living at her MAYAKA for last two years and the O.P. and family members never contacted the applicant. A.W. 3 Ramesh Chandra Srivastava has supported the version of applicant regarding cruelty made by O.P. in para no. 2, 8, 9 and 10 of his evidence. During court question, in para no. 14 he has stated that O.P. is a drunkard who behaved in a cruel manner against his daughter.

There is nothing to disbelieve the ex parte evidences adduced on behalf of applicant. From the above instances of cruelty, it is above board that the O.P. / husband tortured the applicant/wife physically, mentally and economically in such a way that even after repeated attempts it was impossible for the applicant/wife to lead conjugal life with the husband/O.P. Hence, the ground of cruelty is available to the applicant and she proved the same.

(vi). Whether there is any collusion in between the parties in filing the present suit for divorce- From the material available on record as well as from perusal of evidences on record and also from the court questions, it never appears to this court that there is any collusion in between the parties in filing the present suit.

(vii). Whether the applicant is entitled for any other relief- The applicant seeks relief of return of STREEDHAN and expenses of marriage to her. But she has not produced any substantial evidence in support of her claim. She claimed that Rs. 35 lakh should be returned to her. But there is nothing substantial either in the plaint or in the evidences that Rs. 35 lakh were spent in

what a manner in her marriage. Not even a single document has been produced in support of that. So she is not entitled for any other relief.

14. From the above discussion, it is above board that the applicant successfully proved that the O.P. treated the applicant with cruelty after solemnization of the marriage. The suit as framed is maintainable and valid cause of action arose to file the present suit and there is no any collusion in between the parties in filing the present suit.

15. Hence, it is hereby:

Ordered

that the present Matrimonial Suit is hereby allowed ex parte and the marriage between Deepshikha Kumari and Naman Srivastava solemnized on 30.04.2021 is hereby dissolved today that is on 23.05.2026. No order as to cost. O.C. is directed to prepare the decree of divorce accordingly and thereafter to consign the case record in the record room as per rules.

DICTATED AND CORRECTED

DICTATED

**(DHIRENDRA BAHADUR SINGH)
PRINCIPAL JUDGE,
FAMILY COURT, GOPALGANJ
23-05-2026**

**(DHIRENDRA BAHADUR SINGH)
PRINCIPAL JUDGE,
FAMILY COURT, GOPALGANJ
23-05-2026**