

Matrimonial Suit No. 338/2026

Present: Shri Prasanta Mukhopadhyay

Add. District Judge -1, Barrackpore

Or. No.2

10.08.2026

Both the petitioners are present on call along with their respective Ld. Lawyers.

This is an application u/s 28 of Special Marriage Act, 1954.

The case record is taken up for reconciliation. Upon hearing both the parties, it appears that neither of them is willing to remain in the marriage or to preserve their marital bond. Thus, the effort of reconciliation has failed entirely, making the continuation of the marriage impossible.

Now, the application u/s 28 of Special Marriage Act, 1954 is taken up for hearing.

Both the petitioners file their respective 'affidavit deposition'.

Further, both the petitioners are examined on oath as Petitioner No.1 and Petitioner No. 2 respectively.

Heard the Ld. Lawyers of both sides.

Perused the application u/s 28 of Special Marriage Act, 1954, 'affidavit depositions' of both the petitioners, statements on oath and the case record.

It appears that the petitioners have been living apart since 01.11.2024. The marriage of the parties was registered on 05.12.2016 according to Special Marriage Act. The marriage certificate has been marked as exbt.1. It appears further that both the petitioners are unable to maintain their marriage due to difference of thoughts, culture, ideas, temperament, opinion etc. and their relation has broken down beyond possibility of repair. They are living separately for more than one year. Further, it appears that both the spouses have agreed to end their marriage mutually in sound health and mind, ruling out the possibility of collusion, coercion or misrepresentation.

In view of the aforementioned facts and situations, it is just and proper to accept their mutual decision, inasmuch as, forcing them to remain in an unhappy marriage will serve no purpose but to prolong their misery.

C.F. paid is correct.

Hence, it is,

ORDERED

that the application u/s 28 of Special Marriage Act, 1954 is allowed. The suit be and the same is decreed accordingly on mutual consent of the parties.

Thus, the marriage registered on 05.12.2016 between the petitioner No.1, namely, Suman Dey and the petitioner No.2 namely, Soma Dey stands dissolved u/s 28 of Special Marriage Act, 1954 subject to the provision of section 30 of the Act w.e.f. the date of the decree.

Let a copy of this order /decree be supplied to both the parties free of costs.

D/C by me

ADJ

ADJ, 1st Court, Barrackpore