

Matrimonial Suit No.666 of 2022
C. N. R. No.WBJP01-005342-2022
J. O. Code – WB00710

Smt. Malvika Biswas

Vs.

Shri Diptendu Biswas

Order No.25,
Dated : 17.07.2026.

Today is the date fixed for passing the ex-parte order.

On perusal of the record, it appears that the Petitioner has filed the instant suit under Section 13 of the Hindu Marriage Act, 1955, with the allegation that the Respondent is an ill-tempered person who used to inflict physical and mental torture upon the Petitioner after picking up quarrels with her for no rhyme or reason, constantly finding fault with her.

It appears from the plaint and the evidence on record that the Petitioner was married to the Respondent on 18.11.2004 according to Hindu rites and ceremonies. It further appears that out of the said wedlock, a male child was born to them on 02.10.2007, whose name is Baibab Biswas, and a female child was born to them on 19.09.2012, whose name is Ruchika Biswas. Both children are residing with the Petitioner. From the unchallenged testimony of the Petitioner and also from Exhibits - 1, 2, and 3, it is established that the Petitioner was married to the Respondent.

The cause of action to file the present suit accrued on 18.11.2004, when the marriage took place, as well as on different dates when cruelty was perpetrated upon the Petitioner by the Respondent, and lastly in the month of January 2014, when the Petitioner was told not to continue living in her matrimonial home.

It appears from the record that the summons of the suit was duly served upon the Respondent. Although the Respondent entered an appearance in this suit, he subsequently failed to turn up or file a written statement. Consequently, the suit proceeded ex-parte against him.

It appears from the unchallenged testimony of PW-1 that she was subjected to cruelty at the hands of the Respondent. I find no reason to disbelieve the aforesaid unchallenged testimony of the Petitioner, who is examined as PW-1. Accordingly, I am of the view that the Respondent is guilty of inflicting physical and mental cruelty upon his wife, the Petitioner

in this case.

C.F. paid is correct.

Hence, it is,

ORDERED

that the Matrimonial Suit No.666 of 2022 be and the same is decreed ex-parte against the Respondent-Husband, namely, Shri Diptendu Biswas.

The Petitioner-Wife, namely, Smt. Malvika Biswas, is hereby granted a decree of divorce on the grounds of cruelty and desertion, dissolving her marriage solemnized on 18.11.2004 as per Hindu rites and ceremonies under Section 13 of the Hindu Marriage Act, 1955, with the Respondent, on and from the date of this order.

No order is passed as to costs.

Let a free copy of the order be supplied to the parties.

Dictated & Corrected by me -

**Additional District Judge,
3rd Court, Jalpaiguri.
17.07.2026.**

**(Biplab Roy)
Additional District Judge,
3rd Court, Jalpaiguri.
17.07.2026.**