

Mat Suit No. 199 / 2023

Reg. No. 199 / 2023

Order No. 14 dtd. 04.10.2024

The suit is posted for passing order ex-parte.

This is a suit for dissolution of the marriage on the ground of cruelty and desertion filed by the **petitioner / wife Smt. Rituparna Kundu Ghosh and against the respondent / husband Sri Sajal Ghosh** u/s. 13(1)(i-a)(ib) HM Act 1955.

The case of the petitioner is that she got married with the respondent on 24.04.2021 according to Hindu rites and customs and the same was registered on 05.10.2021 according to Hindu Marriage Act. After the solemnization of their marriage parties started to live together as husband and wife. A male child was born out of their wedlock who is presently is in the custody of Petitioner. After some time of the marriage, the respondent started to treat the petitioner with cruelty. It is alleged that he started to inflict physical and mental torture upon the petitioner in intoxicated condition and he was also engaged in extramarital affair with various ladies. It was further alleged that physical and mental torture ie abusing in filthy languages and physical assault on the petitioner was increasing day by day and lastly on 08.07.2023 the petitioner was driven out from her matrimonial house by the respondent. Since then the parties are living in separation and there is no cohabitation between them.

Thus according to the petitioner she was treated with cruelty by the respondent and has also been deserted by him.

After of service of summons upon the respondent, he appeared and filed the WS but later on did not appear to contest this suit and accordingly, the suit was fixed for ex-parte hearing vide order no. 13 dtd. 24.09.2024.

The petitioner has deposed in this case as PW1 and their marriage certificate has been marked as exhibit P-1.

The PW1 ie the petitioner in her evidence has categorically mentioned that the respondent used to abuse her in filthy language, also used to assault her physically in intoxicated condition and he also had illicit affair with several women.

As this case was heard ex-parte, I have no other option but to believe the unchallenged testimony of the petitioner particularly when there is no cogent ground

for disbelieving the same. Thus the unchallenged testimony of the petitioner shows that respondent used to abuse her in filthy languages, also used to assault her physically in intoxicated condition. It also appears that the petitioner was driven out from her matrimonial house. Abusing and assaulting his own wife amounts to cruelty. Thus it can be said the petitioner was subjected to cruelty and in such circumstances, the petitioner is entitled to get the decree on the aforesaid ground.

Hence, it is

ORDERED

that the Matrimonial Suit No. **199 / 2023** is hereby decreed ex-parte without any cost. The marriage of the **petitioner / wife Smt. Rituparna Kundu Ghosh and with the respondent / husband Sri Sajal Ghosh** solemnized on 24.04.2021 according to Hindu rites and customs and registered on 05.10.2021 according to Hindu Marriage Act is hereby dissolved with effect from today.

D/C by me

Addl. Dist. Judge,
Bishnupur, Bankura .

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