

In the Court of Additional District Judge, Kalyani, Nadia.

Mat. Suit No. 558 of 2025

CNR No. WBND0C-001249-2025

Present : Sri Suberthi Sarkar,
Additional District Judge, Kalyani
District – Nadia.

Order No. 03 dt. 10.08.2026 :

This day is fixed for hearing the Matrimonial suit.

Both the petitioners file separate haziras along with their respective examination-in-chief duly supported by an affidavit.

Parties file certain documents as per firsties.

Ld. Advocates appearing for both the petitioners are present.

The case record is taken up for reconciliation between both the petitioners.

In spite of taking frantic efforts by this court the process of reconciliation fails.

Both the parties are not willing to reconcile their matrimonial dispute.

As the process of reconciliation fails the case record is taken up for hearing.

Petitioner No.1. **Tamali Dutta** and petitioner No.2. **Saurabh Dutta** tender their respective examination-in-chief on oath.

Both the petitioners have filed their respective original Aadhaar cards together with certain documents as per firisti. Petitioner no.1 has also filed the Original Certificate of Marriage by way of firisty.

The attested copy of Aadhaar card of the petitioner No.1 is marked as exhibit-1. The Original Marriage Certificate dated **21.11.2007**, filed by the petitioner No.1 is marked as exhibit-2. The attested copy of Aadhaar card of the petitioner No.2 is marked as exhibit-3.

The original Aadhaar cards of both the petitioners be returned on proper receipt.

The case record is taken up for passing order.

I have gone through the contents of the application and the evidence of the parties together with the documents filed this day as per lists.

This is an application under section 28 of Special Marriage Act filed on **20.09.2025** by the petitioners seeking divorce on mutual consent. By filing the application, the parties contended that their marriage was solemnized and registered on **21.11.2007** according to Special Marriage Act. After the marriage they lived together as husband and wife. The said marriage was duly consummated and one male child was born to them out of the said wedlock. Unfortunately mental non adjustment cropped up between the parties and it prompted the parties to live separately since **05.04.2022**. Efforts were made to cool down their mental crisis but it was in vain. Hence, this case.

Both the petitioners have corroborated the contents of the application u/s 28 of Special Marriage Act. I do not find anything contrary for which their evidence can be disbelieved. I do not also find anything contrary for which their applications can be said as collusive.

From the evidence on record what is apparent is that both the petitioners have been living separately since more than one year and their relationship has broken down irretrievably and there is no chance of reunion. In the circumstances, the prayer of the petitioners for a decree of divorce on mutual consent deserves to be allowed.

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Contd....

Order no. 03 dated 10.08.2026 :

Hence, it is,

ORDERED

That the Mat. Suit be and the same is decreed on consent without any order as to cost.

The marriage solemnized between the parties to the suit namely **Tamali Dutta** and **Saurabh Dutta** and registered as per Special Marriage Act on 21.11.2007 before the concerned Special Marriage officer is hereby dissolved by a decree of divorce on mutual consent in accordance with the provision of Section 28 of Special Marriage Act, 1954 with immediate effect.

Let a copy of this order be supplied to both the parties of this suit free of cost.

Dictated & Corrected by me

Sd/- S. Sarkar
Addl. District Judge
Kalyani, Nadia

Sd/- S. Sarkar
Addl. District Judge
Kalyani, Nadia.
JO Code- WB00687