

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE  
2<sup>nd</sup> COURT, KATWA**

**Present : Smt. Madhuchhanda Bose,  
Additional Sessions Judge,  
2<sup>nd</sup> Court, Katwa.**

**Monday, 08<sup>th</sup> day of January, 2023**

**Mat Suit No.286/2022  
CNR No. WBBD0D-001222-2022**

Smt. Bithi Das Ghosh ..... Petitioner

**V e r s u s**

Sri Kunal Das ..... Respondent

**U/s 27 of Special Marriage Act**

For the Petitioner : *Sk Abdur Rahaman* (Ld. Advocate)  
For the Respondent : *Shri Dibyendu Sahana* (Ld. Advocate)

**J u d g m e n t**

The brief fact of this case is that the marriage between the parties took place on 5.12.20 as per the Special Marriage Act. After marriage both the parties started leading conjugal life but after sometime OP and his family members started inflicting physical and mental torture upon

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the petitioner for further demand of Rs.5,00,000/-. They did not provide her food and cloth and exerted pressure to do household work. Ultimately on 25.12.20 OP and his family members driven out petitioner with a single cloth without returning her stridhan articles. Since then petitioner is residing in her paternal house having no income of her own. Though petitioner and her parents requested to take her back but to no effect. Hence, the suit.

Respondent contested the case by filing W/S. He denied each and every allegation made against him by petitioner. According to him they got acquainted through social media in May 2020 and they decided to meet each other at Bardhaman in the month of June 2020. Subsequently they developed love affair between them and they decided to marry. Marriage took place in Kolkata and both parties started leading conjugal life. They even visited Sikkim and Mandarmoni in the year 2021 and 2022. Even OP arranged a grand celebration on the birthday of petitioner ie, on 28<sup>th</sup> August. It is further stated that since they have love marriage question of asking for dowry does not arise and further they used to reside in a separate rented house. Though OP did everything for full satisfaction of petitioner but petitioner was not satisfied. On this ground, OP prayed for dismissal of suit.

**Upon the pleadings of both sides the issues framed are as follows :**

1. Is the suit maintainable in its present form and law ?
2. Has the petitioner any cause of action to file the suit?
3. Did respondent treated petitioner with cruelty?
4. Did respondent drive out petitioner from his house on 25.12.20?
5. Is the petitioner entitled to get decree of divorce as prayed for ?
6. To what other relief or reliefs , if any, is the petitioner entitled?

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To prove the case, Bithi Das Ghosh ie, the petitioner deposed as P.W.01. The document filed by petitioner are marked as Ext.1 series ie, original AADHAAR and its photocopy and Ext.02 i.e. original marriage registration certificate.

On the other hand, Kunal Das deposed as OPW 1. The document filed by respondent is marked as Ext.A series ie, original Voter ID card and its photocopy and Ext.B ie, original Marriage registration certificate.

### **Decision with reasons**

#### **Issue No.01 :**

This important issue is taken up for consideration and discussion. At the time of argument, neither party agitated this issue. On careful perusal of record, I find that the suit is well maintainable in its present form and law.

Thus, this issue is decided in favour of petitioner.

#### **Issue Nos.02,03,04 & 05 :**

All the four issues are taken up together for consideration and discussion and further all these four issues are interrelated with each other.

Petitioner was constrained to file this as she was subjected to torture by OP for further demand of Rs.5,00,000/- and she was also driven out from her matrimonial home by OP.

PW 1 in her chief-examination corroborated her case. From her cross-examination I find that on 18.12.2020 OP demanded Rs.5,00,000/-. She admitted that she met OP at Bardhaman in June 2020. She also admitted that their marriage was love marriage. She admitted that after 25.12.20 she did not go to lead her conjugal life. She also stated that she is not willing to lead her conjugal life. She denied to the entire defence case.

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On contrary OP in his chief-examination corroborated his defence case. He was not substantially cross-examined but he was only suggested denial.

Considering the evidence on record, I find that it has been alleged by the petitioner that respondent inflicted torture for further demand of Rs.5,00,000/-. Since 25.12.20 the parties are residing separately. The marriage took place on 5.12.20. So, it appears that there is no possibility of marriage reconciliation as parties are staying separately since 20 days of their marriage. The marital relationship has not developed between them except in pen and paper. So, considering all aspect I am inclined to pass decree as per prayer.

Court Fee paid is correct.

Hence it is

**Ordered**

that the instant Mat Suit being no.286/22 be and same is decreed on contest but without cost. It is hereby decreed that the marriage between Smt. Bithi Das Ghosh and Sri Kunal Das, registered on 5.12.20 is annulled and all the marital ties between them do stand severed with immediate effect.

Let a copy of this order along with the marriage registration certificate be sent to Ex Officio Marriage Officer, Special Marriage Act, 1954, Katwa and also to the Office of Registrar General of Marriages.

***Dictated & Corrected  
by me***

***Addl. District & Sessions Judge,  
2<sup>nd</sup> Court, Katwaa  
8.1.24***

***A.D.J.2nd Court, Katwa***

***J.O. Code WB 00644***

