

Mat. Suit No. 331 of 2022

Present : Sri Anjan Kumar Sarkar
Additional Sessions Judge,
Haldia, Purba Medinipur
Code of the Judicial Officer : WB749

Order No. 03, dated 12.04.2023

Today the case is fixed for hearing on 2nd motion.

Both the petitioners are present by filing their respective haziras.

On consent of both the petitioners, the case record is taken up for reconciliation and hearing.

I have heard both the parties in person and also interacted with the parties. I have made every endeavor to bring about a reconciliation between the parties, but, all the efforts went in vain. Thus, the process of reconciliation fails.

Now the case record is taken up for hearing since the period of cooling off is over.

The evidences on affidavit, filed by the petitioners are tendered and confirmed by the respective witnesses before me. (Let the same be treated as a part of the record). After examination, they were discharged. During evidence petitioner No. 2 has submitted photocopy of marriage certificate and the same was marked as exhibit -1.

Now, the case record is taken up for passing order.

This is an application under Section 28 of Special Marriage Act, filed by the petitioners with a prayer for divorce on mutual consent.

As per the application and the affidavits in chief, the marriage by and between the parties was solemnized on 08.09.2021 and the said marriage was registered before the Marriage Registrar, Prithwis Dey, at his Office at Sutahata, Haldia, Dist. - Purba Medinipur under **Special Marriage Act**. After the marriage, the petitioner No. 2 went to the house of petitioner No.1 at Vill- Bhangagora, PS – Mahishadal, Dist. - Purba Medinipur and started living there as husband and wife and out of said wedlock, no child was born. It is stated in the petition that after a few days from the date of marriage, both the petitioners were not satisfied with each other and dispute cropped up. It is further stated that on 16.09.2021, the petitioner No.2 left her matrimonial home voluntarily and she came back to her

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father's house at Vill. - Sutahata, under PS – Sutahata, Dist. – Purba Medinipur and since 16.09.2021 petitioner No. 2 has been living separately from the petitioner No.1. It is stated in the petition that well wishers of the petitioners made several attempt to negotiate the matter but all their efforts were in vain.

Ultimately, both the petitioners out of their own accord decided to have divorce on mutual consent when they found that there is no chance of reconciliation in future.

Both the petitioners have filed their examination in chief on affidavit and deposed in the case in my presence in support of their petition and testimonies and they have voluntarily claimed dissolution of their marriage by mutual consent without being induced, intimidated or coerced by anything or without being subjected to duress from any corner. During evidence, the petitioner No.2 has proved the photocopy of Marriage Certificate, which has been marked as Ext. - 1.

At the time of hearing this court also made an endeavour for their reconciliation by adopting some persuasive method but the court having found that reconciliation was not at all possible, decided to dispose of their application on merit.

It appears that the instant petition has been filed in proper forum and in proper time. It is admitted fact that the petitioners have been living separately for a period of one year or more and that they have not been able to live together and they have mutually agreed that the marriage should be dissolved.

Upon perusal of the petition and the evidences adduced by the parties, the court is satisfied to hold that the averments made in the petition are true and there was solemnization of marriage between the parties as averred in the petition. The Court is further satisfied to hold that the parties agreed to such divorce and consented to it voluntarily without being influenced or pressurized by anybody. Upon examining the parties the court is satisfied to hold that there is no chance or reconciliation or re-union between the parties. The court is also satisfied that this application for divorce on mutual consent is not the outcome or any coercion

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collusion or undue influence. In such circumstances, this Court considers it fit to dissolve the marriage tie by an order on the application u/s 28 of the Special Marriage Act.

Hence, it is

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that the Mat Suit No. 331/2022 be and the same is allowed on mutual consent u/s 28 of the Special Marriage Act.

The marriage tie standing between the petitioners namely, Sandip Paul and Sarmistha Barman (Paul) solemnized on 08.09.2021 do stand dissolved by a decree of divorce on mutual consent u/s 28 of the Special Marriage Act with effect from this date.

Let copies of this order be supplied to the parties concerned, free of cost, as per rules.

Let a copy of this order be sent to concerned Marriage Registrar for information and taking necessary action.

Dict. & corr. by me,
Sd/-
A.D.J., Haldia.

Sd/-
(A.K. Sarkar)
Additional District Judge,
Haldia, Purba Medinipur.