

Order No.9 dated 05.12.2016

Hazira is filed on behalf of the petitioner Arindam Raha.

The petitioner adduced evidence as PW-1.

The case is taken up for ex parte order.

Fact of the case, in nutshell, is that the marriage between the parties was solemnized on 31.07.2015 under Special Marriage Act. After the registration they returned back to their respective house and the respondent never reside with the petitioner because the family members of the respondent took no initiative to hold the social marriage. Despite repeated requests they neglected to celebrate the marriage. On the requests the respondent and her guardians became annoyed and ill-behaved with him and the respondent flatly refused on 15.09.2015 to come at matrimonial house and lead conjugal life and they took away the presentations given from their side at the time of registration. For such willful negligence and serious mental sock the petitioner has filed this case and prays for nullity of the marriage.

The respondent did not appear in spite of having notice. So the suit is fixed for exparte hearing.

Be that as it may, during exparte hearing oral evidence has been adduced by swearing an affidavit in chief by the petitioner, which was admitted as evidence of PW. 1.

POINTS FOR DECISION

1. Is the petitioner entitled to get a decree as prayed for?

DECISION WITH REASON

The petitioner Arindam Raha is the sole witness to this suit. He adduced evidence asserting all the facts which have been mentioned in the plaint and remained unchallenged.

Thus, from the unchallenged testimony of PW. 1, it can be said that the petitioner has been able to establish that there was a marriage in between Arindam Raha and Kakoli Raha nee Bose and the marriage is not consummated.

Therefore, from the unchallenged evidence of PW. 1 i.e. the petitioner, it can be said without any hesitation that the petitioner has been able to prove his case and as such he is entitled to get a decree from this suit as prayed for. It does not appear before this court that the filing of the suit was in collusion between the parties.

Hence the suit succeeds exparte.

C.F. paid is correct.

Hence, it is

ORDERED

that the MAT Suit be and the same is decreed ex parte but without any cost. The marriage tie between the parties, i.e., Arindam Raha and Kakoli Raha nee Bose is hereby dissolved by an order of decree of divorce, it is declared null and void, under section 25(1) of Special Marriage Act.

Dictated & Corrected by me
S/d.

ADJ, FTC-I, Howrah.

S/d.
(Mou Chatterjee)
Addl. District Judge
Fast Track Court-I,
Howrah.