

Mat Suit No.223/23
CNR No. WBBD0D-001141 -2023

Order No. 06
Dt. .21.06.24

Today is fixed for reconciliation, if fails for P hearing. Both parties file hazira.

Reconciliation is held in my chamber and in spite of best effort of the court the matter could not be reconciled.

The suit is taken up for P. hearing.

The petitioner no.1, Smt. Moumita Pramanik(Ghosh) is examined as P.W.01 and petitioner no.2/husband, Sankar Ghosh is examined as P.W.02.

P.W.01 files self-attested copy of AADHAAR Card which is marked as Ext.1 and the original marriage certificate which is marked Ext.2. Petitioner no.2 files self-attested copy of AADHAAR card marked as ext.3. Evidence is closed.

Thereafter, the record is taken up for passing order.

The case of the parties in brief is that their marriage was registered on 10.3.2016 as per Special Marriage Act 1954 before the Marriage Officer for Berhampore, Beldanga, Kandi area Murshidabad District and after marriage both the petitioners started to live together as husband and wife at Adarshapally, Panuhat Katwa, under Katwa PS, Purba Bardhaman at the paternal house of the petitioner no.2 and the marriage was duly consummated.

No issue was born out of the wedlock.

It is further stated that dispute and differences cropped up between the parties after a few years of marriage and there was difference of choice, habit, taste etc between them and hence it became difficult for them to continue their conjugal life. The relatives, family members, friends and well-wishers of the parties tried their level best to reconcile the dispute between them but all their efforts went in vain.

Thereafter, on 15.8.17 the petitioner no.1 left her matrimonial home and began to reside at her father's house at village & Post & PS Sagardighi and since then she has been residing separately at her paternal house and there is no further chance of re-union and both parties mutually agreed to dissolve their marriage.

Today the parties during their evidence deposed that they were married on 10.3.16 according to Special Marriage Act, 1954 before the marriage officer at Murshidabad District and thereafter they resided together as husband and wife at village Adarshapally, Panuhat under Katwa PS, Purba Bardhaman at the house of the petitioner no.2. Due to their misunderstanding and maladjustment the petitioner no.1 left her matrimonial house started residing separately since 15.8.17 and there is no chance of any reconciliation or reunion between them.

It appears from the record and evidence that the parties mutually agreed to dissolve their marriage by a decree of divorce and there is no chance of reconciliation and reunion between them.

The marriage was registered on 10.3.16 ie, about 8 years before the date of filing this suit on 17.8.23 . The parties are residing separately for more than six year before filing the suit on 17.8..23 as the petitioner no.1 is residing separately since 15.8.17 and there is no chance of any reunion. The marriage has been registered as per Special Marriage Act, 1954 . No issue is born to them.

The parties filed their self-attested copies of AADHAAR cards and petitioner no.1 filed the original Marriage Registration Certificate. There is no ground to disbelieve the evidence of the parties that they mutually agreed to dissolve their marriage out of their own free will and there is no connivance or collusive matter in filing the suit. The suit was filed on 17.8.23 and hence six months have already been passed and the suit is within the period of 18 months also.

The petitioners last resided together as husband and wife at the original home of the petitioner no.2 at Adarshapally, Panuhat under Katwa PS, Purba Bardhamanbeing ie, under this jurisdiction and as per Ext.3 it is the permanent address of the petitioner no.2, husband.

Considering all aspects, it appears that the parties are entitled to get a decree of divorce on mutual consent.

Court Fee paid is correct.

Hence it is

Ordered

that the instant Mat Suit being no.223/23 be and same is decreed on mutual consent. The parties to the present suit do get a decree of divorce on mutual consent as per section 28 of Special Marriage Act, 1954 and the marriage registered between the parties namely, Smt. Moumita Pramanik(Ghosh) and petitioner no.2 , Sri Sankar Ghosh on 10.3.16 as per Special Marriage Act 1954 is hereby dissolved by a decree of divorce on mutual consent from this day of passing this order .

The marriage registration certificate (Ext.2) also stands cancelled from the date of passing this order.

Let a copy of the decree be supplied to each of the petitioners free of costs.

Dictated & Corrected

by me

A.D.J.2nd Court, Katwa

***Addl. District & Sessions Judge,
2nd Court, Katwa
21.06.24***

JO Code WB 00684