

**IN THE COURT OF JUDGE, SPECIAL COURT-CUM-ADDITIONAL DISTRICT
JUDGE, DURGAPUR**

Present: Ashis Kumar Hazra
*Judge, Special Court-cum-Additional
District Judge, Durgapur*

Ref:- Matrimonial Suit No.196/2022
CNR NO.WBBD090016642022
(CIS Reg. No.721/2022)
(J.O. Code: WB635)

Sri Ranjit Das.
..... Petitioner / husband.
Vs.

Smt. Puja Kumari Das.
..... Respondent/wife.

Order no.06

04.05.2023._

The petitioner files hazira.

The petitioner and the Ld. Advocate for the petitioner are present.

Today is fixed for passing order of the instant suit.

The petitioner filed examination in chief on affidavit.

This is a suit under Section 9 of the Hindu Marriage Act.

Petitioner's case, in short is that that the marriage between petitioner and the respondent was solemnized on **12.12.2021** according to Hindu Rites and Customs at the father's house of the respondent in presence of the family members of both the parties.

After marriage, they started to live together as husband and wife at the residence of the petitioner which is within the jurisdiction of this Court as such their marriage has been duly consummated and co-habited. The respondent became the innocent victim of fanciful thought, caprice and whims of her mother and consequently the respondent lost her independent thought and sense of judgment to differentiate between good and bad. The respondent is a blue blooded child of her affluent father who has a running shop at the busy place of Kolkata. The father of the respondent knowing all facts of the petitioner's family gave consent to the marriage of their daughter. The petitioner was employed as a private employee and he earned to Rs.9888/-. The respondent had, however, kept on pressurizing the petitioner in all possible ways including creating nuisance, noise, disturbing and annoyance almost every day and the mother of the respondent had also fanned the flame by giving encouragement.

On 23.06.2022, the respondent left her matrimonial house at Panagarh bazaar along with her all stridhan articles without consent or approval of the petitioner. After that, the respondent took shelter of her father's house at Sikandra, District Jamui, Bihar. The petitioner made several attempts to establish communication with the respondent

Contd...p/2.

Through various ways but failed to do so due to adamant refusal on behalf of the respondent and her family members. Thereafter, the respondent initiated a maintenance case before the Family Court at Jamui on 27.07.2022. The cause of action arose in this suit on and from 12.12.2021 i.e the date of marriage and ultimately on 23.06.2022 when the respondent deserted the petitioner without any lawful excuse and day to day onwards. Subsequently, the petitioner is suffering from loneliness and he is much deprived of conjugal life and matrimonial relation since 23.06.2022. Hence, the petitioner prays for a decree of the restitution of conjugal rights against the respondent.

The summons upon the respondent was served through registered post and the Track Report filed on 13.01.2023, it transpires that the summons was duly served upon the respondent but the respondent did not take any step to contest the suit. Thus, it is presumed that she is aware of the allegations brought against her by the petitioner but chose not to take step in this regard as there is truth in the allegations labeled against her. In consequence, the suit was proceeded to run ex-parte on 21.04.2022.

On 21.04.2023, the petitioner Ranjit Das is examined as P.W-1 who has stated that he was married to the respondent on 12.12.2021 and after marriage he himself and the respondent resided together as husband and wife and on 23.06.2022 the respondent left her matrimonial home without any reasonable excuse and that the respondent did not come back despite efforts made by him. P.W-2 also corroborated the plaint case. From perusal of evidence on record, I find that the petitioner's case has been convincingly proved by the unchallenged oral evidence of PW-1 and PW-2. So, the petitioner is entitled to get the relief as prayed for.

C.F paid is correct,

Hence, it is,

ORDERED

that the Mat Suit No.196/2022 (721/2022) under section 9 of the Hindu Marriage Act be and the same is decreed ex-parte against the respondent without any costs.

The petitioner do get a decree for restitution of conjugal rights against the respondent who is directed to come and to reside with the petitioner.

Let a copy of this order be supplied to the petitioner free of cost.

D/C. by me

Sd/-

Judge, Special Court cum A.D.J., Durgapur

Sd/-

[Ashis Kumar Hazra]

Judge, Special Court cum A.D.J., Durgapur

