

In the Court of Additional District Judge,
Fast Track 2nd Court, Bongaon, North 24 Parganas

Mat Suit No. 485 of 2023
CNR : WBNP06 002216-2023

Smt. Karabi Sarkar (Mondal) – Vs – Sri Palash Mondal

Section 13 of Hindu Marriage Act.

Present : Sri Mrityunjay Karmakar, (WBJO 00917)

Order No. 14, dated 05-08-2025

Today is fixed for exparte hearing and delivery of Order of this Suit on the basis of the Petition, dated 21-08-2023, u/s. 13 of the Hindu Marriage Act, 1955 filed by the Petitioner.

The Petitioner's case in brief is that the Petitioner got married with the Respondent on **23-02-2011** as per Hindu Rites and Customs at her paternal house situated at Village – Pratapnagar, P.O. Puratan Bongaon, P.S. - Bongaon, in the District of North 24 Parganas. After marriage the petitioner had accompanied with the respondent at his paternal house situated at Village – Chithalia, P.O. Sanekpur, P.S. - Gopalnagar, District North 24 Parganas, and resided there as husband and wife and their marriage was duly consummated and out of their wedlock two male children were born to them namely **Prantik Mondal**, aged 10 years and **Pranay Mondal** aged about 7 years and are residing with their mother.

Since the very inception of her stepping into the matrimonial home the petitioner was being subjected to inhuman mental and physical torture by and at the instance of the respondent and his other family members started creating pressure upon the petitioner to bring further money from her parents on one or another pretext. The father of the petitioner gave various valuable articles from time to time as per demand of the respondent. The greed of the respondent went on increasing day by day. The nature and conduct and character of the respondent has deteriorated day by day and created psychosis in the mind of the petitioner. The respondent even did not provide food, clothing and medicine for the petitioner. The respondent did not allow the petitioner to stay at her house. The petitioner is living **separately since 20-05-2021**. Accordingly, the Petitioner prayed before the Court for dissolution of their marriage held on 23-02-2011.

After filing of this suit, notice of this suit was sent to the Respondent at his residential house by post and the said notice was received by the respondent as per Postal Track Report. The respondent never appeared before this Court and as such, this Suit has been fixed for ex-parte hearing vide order no. 12, dated 06-06-2025. On the date of exparte hearing, the Petitioner has been examined in full as PW.-1 and was discharged. The P.W.- 2 Smt. Arpita Sikder Biswas, the mother-in-law of the petitioner has been examined in full and discharged and the same remains unchallenged. Petitioner has filed self-attested Aadhar Card.

Upon perusal of the contents made out in the application by the applicant and her corroborative evidence remain uncontroverted throughout the entire trial. Abstention of the respondent / husband from appearing before the Court to deny the allegations and assertions of the respondent/husband prompts this Court to infer that the respondent/husband has no objection if the petitioner has got the decree of divorce by the competent court and as such his attitude shows that he would not be prejudiced in any way if the petitioner would be entitled to get the

decree of divorce.

Therefore, this court is inclined to pass an order in favour of the petitioner, as well as this Court passes an award of divorce in favour of the petitioner /wife **Smt. Karabi Sarkar Mondal**.

Thereafter, the petitioner / wife has been examined as P.W.-1 and discharged. The P.W.-1 has stated in the evidence that their marriage has been solemnized on **23-02-2011** as per Hindu rites and Customs and they have started to live separately on and from **20-05-2021**. PW-1 filed the marriage reception card and marked as Exbt.1. Xerox copy of birth certificate of her son Proloy Mondal marked as Exbt.2

PW-2 Arpita Sikder (Biswas) also confirmed the fact of torture upon the petitioner. She also confirmed the fact of marriage of the parties as per Hindu rites and customs.

No evidence has come forward wherein it would appear that the respondent has challenged the evidence of the petitioner as well as the contents of the petition. None appears before this court to contest this case against the petitioner. As such the respondent did not appear before this Court to rebut the statement of the petitioner in this case in spite of getting several opportunities.

As per section 13 of the Hindu Marriage Act, the decree of divorce can be passed on the basis of above stated ground and it is crystal clear that as per the provision of Sec. 13 of Hindu Marriage Act 1955, the petitioner is hereby entitled to get the decree of divorce as prayed for. I think there is no reason to disbelieve the unchallenged testimony on behalf of the Petitioner when it appears from the said evidence that the Petitioner has duly corroborated his case.

Considering all aspects, I think that the petitioner has succeeded to substantiate her case by corroboration and there is no legal impediment before the Court to award a decree of divorce and to declare the marriage, dated **23-02-2011** in between the Petitioner and the Respondent stands dissolved.

Therefore, this case succeeds.

C.F. Paid is correct.

Hence,

it is,

ORDERED

That the Matrimonial Suit no. **485 of 2023** be and the same is decreed on ex-parte in favour of the petitioner; the petitioner is awarded with a decree of divorce in her favour and against the respondent /husband.

The marital relationship in between the petitioner **Smt. Karabi Sarkar Mondal** and the respondent **Sri Palash Mondal** that had been solemnized on **23-02-2011** is hereby dissolved by this decree of divorce, in terms of the provisions, provided under Section 13 of the Hindu Marriage Act, 1955 with immediate effect.

No order as to costs.

Let a copy of this order be supplied to the Petitioner on free of costs.

Dictated & corrected by me.

A.D.J, F.T.C.-II,
Bongaon, North 24 Parganas.

A.D.J, F.T.C.-II,
Bongaon, North 24 Parganas.

