

MHBU010007852025



Presented on : 23/06/2025
Registered on : 23/06/2025
Decided on : 24.04.2026
Duration : Y. M. Ds.
00 10 01

IN THE COURT OF DISTRICT JUDGE-3, BULDANA
(Presided over by Shri. Ravikumar K. Sharma)

Spl. Marriage Petition No.06/2025
(CNR NO.MHBU010007852025)

Exhibit No.18

Sau. Sonali Ajay Kambale
Ku. Sonali Ramesh Zote (name before marriage)
Age 35 years, Occupation – Dentist,
R/o. Rest House Premises, Deulgaon Mahi,
Tq. Deulgaon Raja District – Buldana, **....Petitioner.**

-VERSUS-

Ajay Kisan Kamble
Age 44 years, Occupation- Doctor
R/o Plot No. 35, Gat No. 148,
Satara Parisar, Beed by-pass,
Chhatrapati Sambhaji Nagar,
District - Chhatrapati Sambhaji Nagar **....Respondent.**

**PETITION FOR DIVORCE UNDER SECTION 27(1)(d) OF THE SPECIAL
MARRIAGE ACT.**

Shri. S. R. Khandare, Advocate for petitioner.
Pooja M. Ingale for the respondent.

JUDGMENT

(Delivered on:- 24.04.2026)

This is a petition filed by a wife against her husband for divorce under Section 27 of the Special Marriage Act.

01. In short, petitioner's case is as under:-

The petitioner and the respondent were got married on 01.06.2022, it was registered under the provisions of the Special Marriage Act at Aurangabad. Out of this wedlock, there is no issue. Marital ties are yet not dissolved. It is contention of the petitioner that at the time of fixing marriage, the respondent told to petitioner that he has not any kind of addiction. But after the marriage when petitioner went to cohabitation, she came to know that respondent is a habitual drinker. Therefore, the petitioner got disappointed and shocked. She tried to overcome this situation, she herself taken loan from a Society of Rs.5,00,000/- for respondent to run a hospital but he did not repay the same and not concentrated on his job. He frequently asked for money to her. On that count there was a dispute in between the petitioner and respondent on the occasion of Deepawali of year 2023. Since October 2023, both are residing separately from each others. Thereafter, no marital relationship has taken place in between them. Therefore, petitioner left the house of respondent and went to her maternal house at Deulgaon Mahi. According to petitioner, there is no chance of reunion because of ill behaviour and bad habit of respondent to drink. The petitioner therefore, prayed for divorce.

03. The respondent appeared in the matter but failed to file his written statement. As a result, the petition was proceeded without his

reply. Accordingly, the right of the respondent to file written statement was closed, and the matter proceeded without his defence.

04. Learned counsel for petitioner submitted that there is sufficient oral evidence to buttress averments made in the petition in support of his drinking habit. The evidence of petitioner Sonali (P.W.1), her father Ramesh Zalte as PW2 and her maternal aunt Ratnabai Bansode as PW3 remained unchallenged. Hence, petition be allowed with costs.

05. Heard the Ld. Advocate for petitioner and considering the documents and pleading on record, the following points arise for determination and I have recorded my findings thereon as under:-

POINTS	FINDINGS
01. Does the petitioner prove that the respondent subjected her to cruelty ?	Yes.
02. Is petitioner entitled to reliefs as claimed ?	Yes.
03. What order and decree?	Petition is allowed.

REASONS

AS TO POINT NO.1:-

06. In order to prove the contents of petition, the petitioner has examined three witnesses on her behalf. The petitioner Sonali (P.W.1) in her evidence (Exhibit No.10) deposed that they got married on 01.06.2022 at Aurangabad. Out of this wedlock, they have no children. She also deposed that at the time of fixing of marriage, the respondent was given promise to her to be a good character and he has not any kind of addiction. But after marriage she came to know that respondent is a habitual drinker.

Therefore, the petitioner got disappointed and shocked. The respondent was frequently asking for money. On the occasion of Deewali of year 2023, there was a dispute in between the petitioner and respondent. Due to that, since October 2023, she herself left the company of respondent. Since then she is residing separately. She has also filed Marriage Certificate (Exhibit No.15). PW2 and PW3 have filed their affidavit of evidence and they both, reiterated the content of the petition.

07. No cross-examination was conducted on behalf of the respondent. No evidence has been led by the respondent. This Court has carefully considered the testimony of the petitioner. There is no comprehensive definition of cruelty it is depend on facts and circumstances of each case. In matrimonial relationship, cruelty would obviously means absence of mutual respect and understanding between the spouses which embitters the relationship and often leads to various outburst of behaviour which can be termed as cruelty. It is the case in hand, from the evidence of Sonali (P.W.1), it appears that since the solemnization of the marriage, the respondent is having addiction of liquor. The petitioner has categorically deposed that the respondent is a habitual drinker and that his conduct caused continuous mental harassment and disturbance in her marital life. The testimony of PW1 to PW3 appears to be consistent, cogent, and trustworthy. Habitual consumption of alcohol, coupled with neglect and disturbance of marital peace, has established mental cruelty. In the present case, the respondent has failed to rebut the allegations made by the petitioner. There is no reason to disbelieve the uncontroverted testimony of the petitioner. In my view, the petitioner has successfully proved that the respondent treated her with cruelty. Hence, point No.1 is answered in the affirmative.

AS TO POINT NO.2 :

08. On perusal of documents and evidence on record, there seems allegations to be true and correct as respondent is having a habit of drinking a liquor and under that influence she was frequently suffered at the hands of respondent. It is also to be noted that this petition is without written statement of respondent as he is not appeared and therefore, not rebutted the facts mentioned by petitioner. It is further to be considered that due to drinking habits of respondent, he neglected the petitioner, caused mental harassment, and created an unpleasant and unsafe atmosphere in the matrimonial home. The petitioner has stated that she was left with no option but to leave the matrimonial home. Respondent remained absent to challenge or unfold the allegations leveled against him by petitioner. The pleading made by petitioner to grant divorce are found material. Therefore, she is entitled to get divorce. Hence, I answered point No.2 in the affirmative.

AS TO POINT NO.3:-

09. In view of my affirmative findings on point nos. 1 and 2, the petition is requires to be allowed. Consequently, I proceed to pass following order :-

ORDER

01. Petition is allowed.
02. The marriage of petitioner and respondent solemnized on 01.06.2022 under the Special Marriage Act, is hereby dissolved.
03. Decree be drawn accordingly.

Sd/-
(Ravikumar K. Sharma)
District Judge-3,
Buldana.

Date :- 24/04/2026.