

In the Court of Addl. District Judge, 3rd Court, Suri, Birbhum

Present : Shri Subhendu Saha, (JO Code: WB00739)  
Additional District Judge,  
3rd Court, Suri, Birbhum  
Mat Suit No. 289/2025  
CNR No. WBBB01-002588-2025

(Under Section 13-B of Hindu Marriage Act 1955)

Ramkrishna Das Bairagya (36 years) ..... Petitioner No. 1  
-vs-  
Jhuma Das Bairagya (30 years) ..... Petitioner No. 2

Order No 06  
dated 02-05-2026

Today is fixed for hearing and order.

Both parties are present along with their lawyer by filing hazira.

Reconciliation between the parties is made but fails.

Now the Mat. Suit is taken up for hearing.

Both the petitioners namely, Ramkrishna Das Bairagya and Jhuma Das Bairagya are examined as P.W. 1 and P.W. 2 by filing examination-in-chief supported by an affidavit under order 18 rule 4 of C.P.C along with relevant documents.

Perused the petition under section 13B of Hindu Marriage Act 1955 and other materials on record as well as submission of both sides.

On perusal of the record I find that the instant Mat. Suit has been filed by petitioner no. 1, Ramkrishna Das Bairagya and petitioner No 2 Jhuma Das Bairagya under section 13B of Hindu Marriage Act 1955 for decree of dissolution of marriage solemnized on 10-12-2010 by way of divorce on mutual consent. On 25-08-2025 the instant Mat. Suit was filed by the parties before the Ld. District Judge, Birbhum at Suri who subsequently transferred the case record to this court on 26-08-2025 for disposal.

The fact of the case as narrated in the joint application for mutual divorce in a nutshell is that the parties to the proceeding got married on 10-12-2010 according to Hindu rites and customs and out of their wedlock two daughters namely Mandira Das Bairagya and Indira Das Bairagya were born who is under the custody of petitioner no. 1/father. Since after marriage the petitioner no. 1 started to live with the petitioner no. 2 as husband and wife but due to difference of opinion cropped up between the parties over the difference in view and attitudes towards life and society and with the efflux of time the differences became so aggravated that the petitioners began to feel that it would be next to impossible to live together as husband and wife and ultimately petitioner no. 2 left the matrimonial home on 20-10-2023 corresponding to 2<sup>nd</sup> day of Kartick, 1430 B.S and since then they continued to live separately i.e. more than one year.

Since the day of their separation several attempts were made to resolve the dispute and discord between the parties but no fruitful result cropped up. Both husband and wife have been

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living separately since 20-10-2023 from each other. The petitioner No. 1 has filed the xerox copy of Aadhar Card and the copies of birth certificate of his daughters which have been marked as Ext. 1, 2 and 3 respectively. On the contrary the petitioner No. 2 has also filed his xerox copy of Adhar Card and copy of sale deed which have been marked as exhibit A and B respectively. To avoid litigation between the parties both husband and wife decided to get their marriage dissolved by filing the joint application.

Record also shows that six months have already been elapsed from the date of filing of the application under section 13B Hindu Marriage Act 1955. Moreover the parties have been living separately for a period of more than one year as on date of filing of the case and they have not been able to live together for which they have mutually agreed to dissolve the marriage. It is established through their respective unchallenged testimony on oath that their consent is free, voluntary, not obtained by exercising undue influence, fraud and coercion. As such prayer of the petitioners need be allowed.

Court Fees paid is correct.

Hence it is,

ORDERED

that the instant Mat Suit under section 13B of Hindu Marriage Act 1955 be and the same is decreed on mutual consent. The marriage between Petitioner No. 1 Ramkrishna Das Bairagya and petitioner No. 2 Jhuma Das Bairagya solemnized on 10-12-2010 is hereby dissolved by a decree of divorce on mutual consent. The order shall take effect immediately.

Dictated & corrected by me

ADJ, 3rd Court, Suri, Birbhum

Addl. Dist Judge, 3rd Court

Suri, Birbhum

Later

Ld. Advocate for the petitioners files a petition praying for getting back the original documents (Aadhar Card of petitioner no.1 and 2 and sale deed) on the ground stated therein.

Perused the petition.

Prayer is considered and allowed.

Let the documents be returned to the petitioners through their Ld. Advocates after proper verification.

Dictated & corrected by me

ADJ, 3rd Court, Suri, Birbhum

Addl. Dist Judge, 3rd Court

Suri, Birbhum

