

In The Court of the Addl. District Judge, Rampurhat, Birbhum

Mat Suit – 223 of 2025
CNR : WBBB-05-001010-2025

*Present :- Sri Saugata Roy Chowdhury,(JO Code : WB00885)
ADJ, Rampurhat, Birbhum*

Barsha RoyPetitioner No.1
-Versus-
Prosanta RoyPetitioner No.2

Order No. 03
24-06-2026

Petitioner No.1 **Barsha Roy** and Petitioner No. 2 **Prosanta Roy** are present before this Court. Ld. Advocates for the petitioner no.1 and petitioner no.2 are also present.

The case is taken up for reconciliation and order.

This is an application under Section 13-B of Hindu Marriage Act (hereinafter referred to as the H.M Act) filed by the petitioner no.1 **Barsha Roy (wife)** and the petitioner no. 2 **Prosanta Roy (husband)**, for passing an order for dissolution of their marriage, by a decree of divorce, as the parties are not willing to continue their conjugal life, due to differences in their taste and temperament.

The process of reconciliation is undertaken by the Court in presence of learned Counsels for both sides. The petitioner no.1, as well as the petitioner no.2 draw the attention of the Court towards the irreconcilable differences between themselves and submit that their marriage is beyond repair. Thus, despite the best efforts of the Court, the reconciliation fails.

The application under Section 13-B of the H.M Act is then taken up for hearing.

Both the petitioners have filed their respective affidavits, affirming their contention made in their joint application under section 13-B of the H.M Act.

Upon perusal of the concerned affidavits filed by the petitioners and going through the averments made in the application for dissolution of marriage, it is found that both the petitioners are Hindu by religion and their nuptial knot was tied through solemnization of marriage on **20.06.2002** as per Hindu rites and custom, at the house of petitioner no.1 at Village + P.O. - Banior P.S - Nalhati, Dist.- Birbhum within the jurisdiction of this Court. Apparently, the petitioners had led their conjugal life at the house of petitioner no. 2 at Village + P.O . :- Ulkunda, P.S- Mayureswar, Dist. Birbhum and their marriage had been duly consummated. It is also manifest from the materials on record that the petitioners have been residing separately, on and from **15.09.2018** and the present petition was filed on **25.11.2025** after a lapse of one year from the date of their separation, since both of them have mutually agreed to such proposition, due to differences in their taste and temperament and they are no longer willing to continue their marriage.

Both the petitioners have filed affidavits supporting the contentions made in the petition for divorce. This shows that all sorts of effort for reconciliation, for the purpose of their reunion to continue the marriage, have failed. This Court had also made attempts for reconciliation between the parties regarding marital discord, but the same did not yield any result. Consequently, this Court opine that dissolution of the marriage between the petitioners

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by a decree of divorce is the only way to restore their personal peace and happiness.

In terms of section under Section 13-B(1) of Hindu Marriage Act the parties to a marriage might file a petition for dissolution of marriage by decree of divorce by mutual consent on the ground that they have been living separately for a period of one year or more and that they have not been able to live together and have mutually agreed that the marriage should be dissolved.

Sub-section 2 of Section 13(B) of Hindu Marriage Act provides that Court shall pass a decree of divorce declaring the marriage to be dissolved with effect from the date of decree on the motion of both the parties made not earlier than six months after the date of presentation of the petition referred to sub-section 1 of section 13-B but not later than 18 months after the said date after making necessary inquiries if the petition is not withdrawn in the meantime.

Upon perusal of affidavits filed by the petitioners and inquiries made by this Court it appears that the statutory period of six months specified in section 13-B(2) of Hindu Marriage Act in addition to the statutory period of one year under section 13(B)(1) of Hindu Marriage Act of separation of parties is already over before the motion itself.

All efforts for mediation or reconciliation to reunite the parties have failed and there is no likelihood of success in that direction by any further efforts.

The parties have genuinely settled their differences and the waiting period or cooling off period will only prolong agonies.

Considering the facts and circumstances of present case in hand, this Court has reached the conclusion that there is not the slightest chance of a reunion of the spouses. As such, extending cooling off period further, will only prolong their agonies, as there is no possibility of reconciliation and it would be meaningless to prolong the agonies of the parties to the marriage. In the present case, the marriage has broken down irretrievably, the spouses are living apart for a long time, but have not been able to reconcile their differences and have mutually decided to part ways. As such, it is better to end the marriage to enable both the spouses to move on with their lives. Accordingly, the petition under section 13-B of Hindu Marriage Act is considered and allowed.

Hence,

ORDERED

that the Mat. Suit bearing No. **223 of 2025** be and the same is decreed under Section 13-B of Hindu Marriage Act. The marriage by and between petitioner No.1 **Barsha Roy** and Petitioner No.2 **Prosanta Roy** solemnized on **20.06.2002** is hereby dissolved by the decree of divorce on mutual consent on and from this date of order.

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

Dictated and corrected

Sd/- S. Roy Chowdhury
ADJ, Rampurhat, Birbhum
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