

Mat Suit No.258 of 2025.
R. No. 32/2025
CNR No.WBBB09000107-2025

Order No. 11.

12.08.2026

Today is fixed for further ex parte hearing.

Petitioner/Husband is present along with his Ld. Advocate by filing hazira.

Ld. Advocate for the Petitioner/Husband also files a hazira of witness Subhasish Mondal as P.W.-2 and files the A.I.C. of P.W.-2 along with xerox copy of his identity proof, which is accepted and kept with the record.

No steps taken by the Respondent/Wife. None appeared to move the case on behalf of the Respondent/Wife. Respondent/Wife also found absent in Court today when the matter was repeatedly called at 11:15 a.m. and 11:20 a.m.

Now, the record is taken up for further ex-parte hearing.

Witness Subhasish Mondal is examined in chief in full on ex-parte basis as P.W.-2 on behalf of the Petitioner and discharged. A.I.C. of P.W.-2 is tendered on dock on oath and kept with the record.

The record is taken up for ex-parte argument. Heard Ld. Advocate for the Petitioner /husband in full. Argument closed.

The record is taken up for passing ex-parte order.

The Petitioner/Husband has filed this suit under Section 13(1)(ia) of the Hindu Marriage Act, 1955.

The Petitioner/Husband's case in brief is that the Petitioner/Husband and the Respondent/Wife got married as per Hindu Rites and Customs and their marriage was solemnized on 12.12.2010 as per Hindu Marriage Act, 1955. After marriage the Petitioner/Husband and the Respondent/Wife started living together as husband and wife, at the house of the petitioner. During the period of wedlock the Petitioner and the Respondent gave birth to a male child namely Moyukh Garai who is presently aged about 13 years. From the very inception of the marital relationship the Respondent/Wife never accepted the Petitioner and to stay at Dubrajpur permanently as she is from a wealthy and affluent family and is initially from Rampurhat and subsequently Murshidabad, she never wanted to settle down in her matrimonial house. The Respondent/wife also did not like her matrimonial house as it was situated in a rural kind of place and the Respondent could not able to lead her urban life style there. She repeatedly insisted the Petitioner/Husband to leave his home and to settle with her at Murshidabad at her house as 'Gharjamai'. When the petitioner did not agree to such proposal heated altercations and disputes started escalating in their relationship. The Respondent started inflicting mental cruelty upon the Petitioner. After the birth of the child the Respondent frequently without intimating the Petitioner used to go to her paternal house taking her infant son Moyukh Garai with her and used to remain absent from her matrimonial home.

The Respondent used to stay at her paternal house with her minor son with the consent of the Petitioner and also refused to return to the house of the Petitioner and thereby willfully deserted the Petitioner for prolonged period of time. The Petitioner was compelled to beg before the Respondent for her return at her matrimonial home but his efforts gone to vain. The Respondent/wife without any cause withdrew herself from the life of the Petitioner and

Contd.....P/2

remain absent from her matrimonial home for a continuous period of more than 2 years preceding the filing of the case by the Petitioner thereby completely abrogated for matrimonial duties and refused to resume her conjugal life despite of petitioner earnest endeavors. Not only the Respondent refused to fulfill her matrimonial obligations and duties, she voluntarily and willfully separated herself from her husband thereby depriving the Petitioner to lead his conjugal life. The Respondent did not stop inflicting mental torture upon the Petitioner as she refused to resume her conjugal life with the Petitioner and finally from 25.09.2017 when the Respondent left the house of the Petitioner with her son and refused to come back to the society of the Petitioner told that she along with her son would never come back to the life of the Petitioner.

Hence, the instant suit.

The Respondent/wife inspite of proper service of summons in this case did not make any attempt to appear or to contest this case. Hence, the case was proceeded ex-parte against her.

To prove the case Petitioner/husband namely Ganga Dhar Garai and his corroborating witness namely Subhasish Mondal filed their Affidavit in-chiefs in this case. They were examined-in-chief as P.W. 1 and P.W. 2 respectively on ex parte basis in full and discharged.

The xerox copy of the birth certificate, compared with the original birth certificate of Moyukh Garai, son of the Petitioner/Husband and the Respondent/Wife is marked as **Exhibit-1** on behalf of the Petitioner/husband namely Ganga Dhar Garai.

It appears from the case record that the marriage between Petitioner/husband and Respondent/wife was solemnized on 12.12.2010 under the Hindu Marriage Act, 1955 which is evident from the petition and A.I.C. of the petitioner as well as from the evidence of the corroborating witness i.e P.W-2. It has also been proved that during the period of wedlock the Petitioner/husband and Respondent/wife gave birth to a male child namely Moyukh Garai which is also evident from Exhibit-1. It further appears that the Petitioner/husband was subjected to cruelty and physical and mental torture at his house and was finally the Respondent/Wife willfully left the house of the Petitioner/husband along with her minor son and voluntarily withdraw herself from her matrimonial home and also deserted her husband and refused to come back to the society of the Petitioner told that she along with her son would never come back to the life of the Petitioner..

Soon after marriage the Petitioner/husband was subjected to mental torture by the Respondent/wife on repeated occasions time and again which continued even after the birth of their son. The Respondent started inflicting mental cruelty upon the Petitioner. After the birth of the child the Respondent frequently without intimating the Petitioner used to go to her paternal house taking her infant son Moyukh Garai with her and used to remain absent from her matrimonial home. The Respondent used to stay at her paternal house with her minor son with the consent of the Petitioner and also refused to return to the house of the Petitioner and thereby willfully deserted the Petitioner for prolonged period of time. The Petitioner was compelled to beg before the Respondent for her return at her matrimonial home but his efforts gone to vain. The Respondent/wife without any cause withdrew herself from the life of the Petitioner and remain absent from her matrimonial home for a continuous period of more than 2 years preceding the filing of the case by the Petitioner thereby completely abrogated for matrimonial duties and refused to resume her conjugal life despite of petitioner earnest endeavors. Not only the Respondent refused to fulfill her

matrimonial obligations and duties, she voluntarily and willfully separated herself from her husband thereby depriving the Petitioner to lead his conjugal life. The Respondent did not stop inflicting mental torture upon the Petitioner as she refused to resume her conjugal life with the Petitioner and finally from 25.09.2017 when the Respondent left the house of the Petitioner with her son and refused to come back to the society of the Petitioner told that she along with her son would never come back to the life of the Petitioner.

So it is clearly appeared before this court that the cruelty and torture which was inflicted upon the Petitioner/husband by the Respondent/wife after marriage and even finally after when the Respondent/wife voluntarily left her matrimonial home along with her minor son and continued to stay at her paternal home along with her minor son. Both the Petitioner/husband and his corroborating witness i.e. P.W.1 and P.W.2 in their oral evidence have been able to prove and corroborate the Petitioner's case in his favour. The Respondent/wife inspite of proper service of summons in this case did not make any attempt to appear or to contest this case. The testimony of the Petitioner and his witness remain unchallenged.

Considering the above facts and circumstances I am of the humble view that there are enough materials in favour of the Petitioner/husband to get a degree of divorce against the Respondent/wife.

Court fees paid is sufficient.

Hence, It is

Ordered

that the Matrimonial Suit No.258 of 2025 under Section 13(1)(ia)(ib) of the Hindu Marriage Act,1955 be and the same is decreed exparte against Respondent/wife.

The Petitioner/husband do get a decree of ex parte divorce against Sushmitha Garai, Respondent/wife. The marriage subsisting between the parties namely Ganga Dhar Garai and Sushmitha Garai which was solemnized on 12.12.2010 under Hindu Marriage Act,1955 stands dissolved under Section 13(1)(ia)(ib) of the Hindu Marriage Act, 1955 by an ex parte decree of divorce from the date of the decree.

I make no order as to cost.

Dictated & corrected by me

Additional District Judge
Fast Track Court, Dubrajpur,
Birbhum
JO Code-WB00905

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