

IN THE COURT OF DISTRICT JUDGE, COOCH BEHAR

Present : Sri Nirvan Khesong
District Judge, Cooch Behar (WB00662)

Mat. Suit No. 238 of 2025
CNR No. WBCB01-003139-2025

Smt. Anima Roy

-Versus-

Sri Khokan Ch. Barman

5

13/05/2026

Today is fixed for passing order.

The petitioner files hazira through her Id. Advocate.

Now, the case record is taken up for passing order.

This is a suit for decree of divorce under Section 25 (i) of the Special Marriage Act, 1955 which was filed on 11-11-2025.

In short, the case of the petitioner is that the marriage between her and the respondent was registered on 18/09/2025 according to the Special Marriage Act, 1954 and after solemnization of marriage, they were living separately in their respective houses. But, after solemnization of marriage, disputes cropped up in between them. The petitioner asked the respondent to take to his house for consummation of their marriage, but he did not pay any heed to it. After knowing the said fact, the parents of the parties tried to reconcile the dispute but the respondent refused to start their conjugal life. Due to such willful refusal of the respondent, the marriage could not be consummated. Thus, finding no other alternative, the petitioner has come up with the present suit.

It appears from the case record that initially the respondent appeared before this Court to contest the case but later, he failed to contest the suit. So, the suit proceeded ex parte against him.

In support of her case, the petitioner has examined herself as P.W.1 apart from admitting into evidence some documents like the original marriage certificate in respect of the marriage between the parties and Aadhaar Card which have been marked as Exhibits 1 and 2.

From the affidavit-in-chief filed by the petitioner, it appears that she has nicely corroborated her case as made out in the plaint. There is nothing in the same to consider presence of any contradiction. Nothing is also found from her evidence or in the record itself regarding presence of any collusion between the parties in bringing the present suit. Exhibits 1 and 2 also go to establish the fact of solemnization of marriage between the parties under the Special Marriage Act on 18-09-2025 as well as the identity of the petitioner.

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(Contd.....Order No. 5 dated 13.05.2026)

Having regard to the unchallenged testimony of P.W.1, I have no hesitation in my mind to arrive at the definite conclusion that the petitioner has been able to substantiate his case successfully and as such, he is entitled to get a decree as prayed for.

In the end, the instant suit succeeds ex parte.

Court fees paid are sufficient.

Hence, it is,

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that the suit be, and the same is, hereby decreed ex parte against the respondent but without any order as regards costs.

It is hereby declared that the marriage between the parties solemnized on 18-09-2025 under the Special Marriage Act, 1954 is a voidable marriage and the same is hereby annulled by a decree of nullity u/s- 25 (i) of the Special Marriage Act, 1954.

The decree be drawn accordingly.

The order shall take effect from the date of decree.

The order be uploaded on the official website of the Court at once and consign the record to the District Record Room as per the Civil Rules and Orders.

Thus, the instant suit stands disposed of.

Dictated & corrected,

Sd/-

District Judge,
Cooch-Bihar

Sd/- N. Khesong

District Judge,
Cooch-Bihar