

Mat Suit 363/22
(CNR No. WBSP150010662022)
(J.O.Code-WB 00664 : Reg. No. 363/22)

Order No. 3
Date : 03-05-2023

Today is fixed for order.

This is a petition U/S 13B of Hindu Marriage Act.

The case record is taken up for passing order.

The case of the petitioners in short is that their marriage was solemnized on 18-06-2015 according to Hindu rites and customs at the father's house of the petitioner no. 2 at Vill.- 8 No. Kalinagar Senerchak, P.O – Kak-Kalinagar, P.S.- H.P. Coastal, Dist.- South 24 Parganas in presence of family members, friends and well wishers of both sides and their marriage was duly registered on that date before the Marriage Registrar namely, Minati Halder vide Marriage Registration Certificate No. H-304/15. It is further submitted that after their marriage the petitioners started to live together as husband and wife and their marriage was duly consummated. It is also submitted that out of their wedlock a female child was born namely, Priti Das aged about 4 years 10 months at the time of filing of this case and the said child will stay in the custody of the petitioner no. 2 as it resolved by the parties and in that respect the petitioner no.1 has no objection. It is also submitted that during their conjugal life the dispute arose between the petitioners regarding their difference of tastes, habits, cultures and opinion. It is also submitted that the family members, friends and well wishers of both sides tried their level best and also several steps were taken by them to reconcile the dispute of the petitioners but the same went in vain. It is further submitted by the petitioners that they have been living separately since 25-06-2021 and there is no chance of reconciliation between them. It is further submitted that the petitioners have mutually agreed to dissolve their marriage by way of a decree of divorce on mutual consent.

Accordingly they have filed the instant petition for divorce on mutual consent. It is further contended that the instant petition for divorce has not been presented collusively and no pressure was created to file this petition to any of the petitioners of this case.

I have gone through the evidence of PW1 and PW2 and other materials on record. On perusal of the petition as well as the evidence on record, it is evident before this court that their marriage was solemnized and registered on **18-06-2015** and they have been living separately on and from **25-06-2021**.

I have talked with the petitioners in presence of their Ld. Advocates and tried to sort out the apple of discord between them in compliance of the mandate as engrafted in Order XXXII-A of the Code of Civil Procedure, 1908. The petitioners further divulged that both of them at the intervention of their senior family members, friends and well wishers tried to bury the hatchet between them, but all good effort went in vain. Upon my query both the petitioners without any ambiguity stated that they have preferred the instant application for obtaining a decree of divorce on mutual consent as per their free will and own volition after having long discussion with each other and no force, fraud or undue influence was practiced upon them for filing the instant application. The petitioners submitted that it is no longer possible for them to lead a happy conjugal life any more.

Contd..

Mat Suit 363/22

Contd..dt..03-05-2023

Accordingly, this court does not find any impediment to allow the prayer of the petitioner.

C.F. paid is correct.

Hence, it is,

ORDERED

that the instant Mat. suit filed by the petitioners under Section 13B of the Hindu Marriage Act, 1955, be and the same is allowed, but considering the circumstances without any cost.

The petitioners do get a decree of divorce on mutual consent as per provision under Section 13B of Hindu Marriage Act. The marriage tie between the petitioners namely, Debaprasad Das and Madhumita Jana Das solemnized and registered on **18-06-2015** is hereby dissolved by way of decree of divorce on mutual consent with effect from the date of decree.

Decree be drawn up accordingly.

D.A is directed to do the needful at once.

The Mat Suit is, thus, disposed of.

Note in the relevant register. Note in the CIS.

Dict. & Corr. by me

Sd/- S. Mallik Chattopadhyay
Additional District Judge, 1st Court
Kakdwip, South 24 Parganas.

Sd/- S. Mallik Chattopadhyay
Additional District Judge, 1st Court
Kakdwip, South 24 Parganas.